

# DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2002

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## HEARINGS

BEFORE A

### SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

ON

### **H.R. 2944/S. 1543**

AN ACT MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE  
DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN  
WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR  
THE FISCAL YEAR ENDING SEPTEMBER 30, 2002, AND FOR OTHER  
PURPOSES

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#### **Child and Family Services Receivership District of Columbia**

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Printed for the use of the Committee on Appropriations



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<sup>1</sup> Committee and subcommittee memberships—January 25, 2001 to June 6, 2001.

NOTE.—From January 3 to January 20, 2001 the Democrats held the majority, thanks to the deciding vote of outgoing Democratic Vice President Al Gore. Senator Thomas A. Daschle became majority leader at that time. Starting January 20, 2001, the incoming Republican Vice President Richard Cheney held the deciding vote, giving the majority to the Republicans. Senator Trent Lott resumed his position as majority leader. On May 24, 2001, Senator James Jeffords of Vermont announced his switch from Republican to Independent status, effective June 6, 2001. Jeffords announced that he would caucus with the Democrats, changing control of the evenly divided Senate from the Republicans to the Democrats. Senator Thomas A. Daschle became majority leader once again on June 6, 2001.

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## **DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2002**

**THURSDAY, MARCH 15, 2001**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10:37 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.  
Present: Senators DeWine and Landrieu.

### **CHILD AND FAMILY SERVICES RECEIVERSHIP**

#### **OPENING STATEMENT OF SENATOR MIKE DEWINE**

Senator DEWINE. Our hearing will come to order. This is the first for me as chairman, and the first for Senator Landrieu as the Ranking Member of this subcommittee, so we are delighted to be here.

Let me remind all of our witnesses that the full text of your statements will, in fact, be made part of the record. We ask you to limit your initial comments to 5 minutes apiece, but your whole testimony will be submitted for the record, and let me just thank each one of you. It is a rarity we had your testimony early. It is not a rarity for you, but it is a rarity in Congress to get everyone's testimony before the hearing starts, and we appreciate it very, very much.

Without objection, the record will remain open until 5 p.m. on Wednesday, March 21, for the submission of any additional testimony or responses to questions members have for your witnesses.

#### **D.C. CHILD WELFARE SYSTEM**

We are here today because the District of Columbia child welfare system is at a crossroads. It is at a crossroads. It is at a crossroads both in terms of responsibility and accountability. We are here today to begin to determine if this system, a system which, for over a decade has been wrought with dysfunction, chaos, tragedy, is finally committed to turning itself around.

We are here to examine what strides, if any, the District has made in correcting its laundry list of deficiencies, and finally, we are here today to analyze from a budgetary point of view what the District's needs are in terms of resources, and how those investments can play a part in helping the District create a child welfare system that puts the safety and health of children first, above all else.

The simple fact is that every child in foster care, whether it is a child here in the District of Columbia, or in Cincinnati, or in New Orleans, or anywhere in America deserves to live in a safe, stable, loving, and permanent home, with loving and caring adults. All children deserve no less.

Unfortunately, many, too many of our children in this country are not getting what they deserve. Tonight, more than half a million children in this country will go to bed in homes that are not their own homes. Many of these children are at risk.

I first learned this sad fact back in the early 1970's, when I was an assistant county prosecuting attorney in Green County, Ohio. One of our duties was to represent Green County Children's Services in cases where children were going to be removed from their parents' custody. I witnessed then that too many of these cases drag on endlessly, leaving children trapped in temporary foster care placements which often entail multiple moves from foster home to foster home for years and years.

#### AT-RISK CHILDREN

At-risk children here in the District of Columbia are no exception. In fact, it would appear that these children may be at even more risk because of the systemic dysfunction in the District's child welfare bureaucracy. Let me explain. Over 10 years ago, the District's child welfare system was considered among the worst in the Nation. In 1989, the American Civil Liberties Union filed a class action lawsuit against the city, *LaShawn A. v. Barry*, arguing that the District was failing to protect neglected and abused children.

In 1991, the case went to trial, where the court ultimately found that the District was liable. Following this decision, the parties involved in the case developed a remedial action plan. The court used this plan as the basis for its modified final order, which required the District by law to correct the vast deficiencies in its child welfare system.

#### RECEIVERSHIP

By 1995, however, little had changed, prompting U.S. District Judge Thomas Hogan to install a receiver to oversee the system and appoint the Center for the Study of Social Policy to monitor the District's performance. Today, the receivership is still in place, though the city is preparing to regain control.

In order to get that control back, the District must meet the terms of the consent order, which was entered by the court this past October. The question now is this: Is the District ready and able to take control back?

#### GAO REPORT

A recent GAO report provides us with the most current snapshot of the system, which, from all appearances, remains below national averages, and far from meeting the goals outlined in the consent order. Just listen to a few examples, and they do, regrettably, paint a very disturbing picture.

In 1991, the average stay for children in the District's foster care system was 4.8 years. According to the GAO report, the average



stay for children is 3.7 years. This certainly represents progress. It also represents an average foster care stay in the District that is twice as long as the national average.

Over 10 years ago, the District continuously failed to initiate investigations into reports of neglect or abuse within 24 hours and complete these investigations within 2 weeks. Now, the GAO found that for the recent time period, October 1999 to July of the year 2000, still 37 percent, over one-third of investigations were still not initiated within 24 hours, while 52 percent, over one-half of investigations were not completed within 30 days.

Ten years ago, the District consistently failed to ensure that children in its custody received timely judicial administrative reviews regarding the continued necessity and appropriateness of placement. According to the GAO report, the District made some progress between 1998 and July 1999 in reducing the number of cases with no review at all. However, the GAO also found the city made no progress in reducing the number of cases with untimely reviews. Moreover, of the cases with untimely reviews in July 1999, about half—yes, about 50 percent—had not been reviewed in more than 1 year.

Ten years ago, the District's automated information system was wholly inadequate for keeping track of the number and location of children in the District's custody and their needs. Today, the District has a new, automated information system, FACES. However, according to the GAO, that system, now a year old, cannot produce all the reports required by the modified final order. The GAO also found that staff do not fully use the system. While District officials estimated that, as of September 2000, about half of all case plans had been entered into FACES, a superior court judge has indicated that this estimate may well overstate the accurate rate of data entry.

Ten years ago, the cases handled by social workers consistently exceeded reasonable professional standards, preventing the District from carrying out its responsibilities under both Federal and District law. District social workers today in 6 of 10 child welfare programs are carrying actual case loads that exceed the limit put in place by the court's modified final order. Let me repeat that. District social workers today in 6 of 10 child welfare programs are carrying actual case loads that exceed the limits put in place by the court's final order.

For example, the GAO reports that social workers in the District's traditional foster care programs have been carrying case loads that range from 13 to 55, as high as 55. That compares with the modified final order that sets a limit at 16.

Now, though some may argue that the District's child welfare system is at least in better shape than it was 10 years ago, I am not convinced necessarily that it is anywhere close to where it should be. A couple of very disturbing recent events involving the District's handling of child protective matters have fueled everyone's concern. First, there is the tragic, well-known case involving 2-year-old Brianna Blackman.

## ADOPTION AND SAFE FAMILIES ACT

In Brianna's case, she had been placed in foster care for 4 months due to her mother's consistent neglect and reports of abuse. However, a D.C. Superior Court judge ordered Brianna and her sister back to their mother on December 23, 1999, despite the fact that Brianna's mother, who is mentally retarded, did not want Brianna and her sister back. Rather, she only wanted her older children returned, because with her limited capacity she found them easier to care for.

Two weeks after being united with her mother, Brianna died of severe head injuries. She had been bludgeoned with a belt. As stated in the law that I sponsored, and that went into effect in November 1997, the Adoption and Safe Families Act, which incidentally was in effect for at least 2 years before Brianna's death, according to that law, when determining reasonable efforts to preserve and reunify children with their families, the law now states the health and safety of the child shall be the paramount concern. The health and safety of the child shall be the paramount concern. That is the language in the law that went into effect in November of 1997.

In Brianna's case, from the facts we know, it does not appear that this tiny little girl's security, this tiny little girl's life was a high priority for the District, nor even a priority at all.

In passing the Adoption and Safe Families Act, which has helped increase adoptions, by the way, nation-wide by 30 percent, it was my hope that children like Brianna would be protected, but as Brianna's case tragically demonstrates, the District still has a long way to go before that goal is reached. As the facts of this case continue to come out, it appears that virtually every agency in the District that interacted with this family made a mistake.

The guardian ad litem assigned to protect Brianna did not visit her or the home where she was living. The social worker assigned to Brianna did not file her report with the judge in time, and had this been done, the judge would have known that the social worker did not recommend sending Brianna back to her mother.

The social worker also did not closely inspect the home where Brianna would be living, or find out that Brianna's mother was illegally living in subsidized housing. Had this been done, it would have been clear that Brianna's mother had no legal residence, which would have prevented the children from being returned to her mother.

Furthermore, the Mental Retardation and Development Disabilities Administration failed to provide Brianna's mother with the housing and assistance she needed.

Next, the judge made the decision to send Brianna back to her mother without holding a hearing.

The Health Department lost track of Brianna and her mother, routinely closing the case, rather than providing assistance.

And finally, the neighborhood health clinic failed to follow up on a call that Brianna might be in trouble, and waited a full day before notifying authorities.

All of these errors, all of these unbelievable lapses in judgment indicate a total collapse of the system, a complete, unquestionable, inexcusable breakdown.

## REPORTS OF SEXUAL ABUSE

In a more recent incident, the Washington Post reported just last week that at least 150 filed reports of child sexual abuse from the years 1999 and 2000 fell through the cracks, going uninvestigated by police until they were alerted to a box containing a stack of these reports.

Apparently, the reports went through the District's Child and Family Service Agency, but it does remain unclear whether they were ever transmitted directly to the city's seven district police stations. According to the Washington Post, law enforcement sources believe that since the police became aware of these missing reports last year, some of the original victims have been molested again.

Stories like this should make us all sick. We, as a society, must not tolerate this kind of incompetence, utter incompetence. We cannot allow blatantly irresponsible acts like this to continue.

Now, I recognize that the District child welfare system did not collapse overnight, and we are well aware that it will not be fixed overnight, either, but our oversight responsibility, as members of this subcommittee, is to determine if the District has adequate resources available to meet its needs so that the city can repair itself and can comply with the court-ordered consent agreement. We have, I believe, an obligation to ensure that budgetary resources are sufficient, and are being used effectively and appropriately to get the job done.

We have an obligation, further, to review the District's proposed budget with close congressional scrutiny to ensure that any dollars that flow into this system are used for the proper protection of the children involved, so yes, a part of this hearing is about money. It is about resources. The system was broken. The court stepped in and said, in essence, fix it.

Now, we are here to determine if the District has fixed it, and if the city has not, we want to know why not. Is it because of a lack of resources? Is it because of the ineffective use of resources? Are there sufficient funds available for the city's component parts to function together effectively? What are the District's goals for the future? Can those goals be met from a budgetary perspective? Can additional resources help prevent another Brianna from dying? Can additional resources prevent cases of sexual molestation from falling through the cracks, from going uninvestigated for periods of well over a year?

## REFORMING THE SYSTEM

We are anxious to hear our witnesses and hear the answers to these questions. However, this hearing must go beyond questions of resources. The fact is that resources are no substitute for the kind of responsible management required to make the systemic reforms necessary for the District's child welfare system to function effectively. In my view, the reform of the system should be the District's number 1 priority. Let me repeat that. Considering budget, in considering responsibility, in considering public policy, there should be nothing more important than the protection of the children whom this District has in its power, has under its control, and has an obligation to protect.

As the new chairman of this subcommittee, I want to make it vividly clear that protecting at-risk children in the District is also my number 1 priority, and I intend for the next 2 years at least to focus on the children of this District, and I intend to focus particularly on those children that are most at risk, and many of those children who are most at risk are the children who are part of our social system and our child protection system.

This should come as no surprise for anyone. For years, especially since coming to the U.S. Senate, I have devoted my attention to institutional reform in the foster care and child welfare systems across our Nation. The adoption of the Safe Families Act essentially was about making the necessary reforms to move children from foster care to permanency, and more importantly to make the health and welfare of these children paramount. I believe it is necessary to see how these reforms are impacting the District's child welfare system specifically, and to examine how the goals of this important law will work to the benefit of all children in our Nation's capital.

Let me at this point turn to the Ranking Member of this committee, Senator Landrieu, someone whom I have worked with, and worked with on the Safe Families Act that I have been referencing, someone who has really been a leader in the protection of children and a leader in the issue of foster care and adoption. Senator Landrieu.

#### STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman, and welcome, all, to our first hearing today, and I want to begin by commending the chairman for his extraordinary work and focus in this area during the time that he has been in the Senate, and I have had the privilege to join him on many bills, particularly the Adoption and Safe Families Act as an original cosponsor, and so his leadership has just been an extraordinary help to us.

He is the father of eight children. He comes at this issue from a lot of real personal experience, and so I want to commend him. I have a lengthy statement for the record, but I would like to associate myself with the remarks of the chairman. He and I think very much along the same lines in this regard, so it is not necessary for me to repeat all of the statistics and history, which he did in an excellent and wonderful way.

I would just like to note, however, having worked in this area of child welfare for many, many years, that many of the issues that the District is facing today are not necessarily unique to the District, that communities and States around the Nation are really struggling with this problem. We are well aware of that. In my own State of Louisiana, we are also faced with overburdened case workers, backlogs in reports, too many children in care for too long, a disappointing, in my opinion, lack of focus on permanency and adoption, minimizing options for families, and I could go on and on.

So we must keep our focus in this hearing through our budget process on the budget of D.C., and I also want to join the chairman in saying that this will be my number one priority, as a new member of the Appropriations Committee, to keep my focus on helping

the District, that it is not necessarily only unique to the District of Columbia.

I also want to bring out, and I am so pleased that the chairman will not let us forget the tragedy surrounding Brianna Blackman's death. I also note that just a few months ago, not too far from here, in the State of Virginia, Caitlin Frasier suffered the same horrible fate, and I could give hundreds of examples.

So let us just remember that this really is a national crisis. It really is going to require a national focus and national solutions. We will continue, as we have done in the past several years, to sponsor bills and amendments and new approaches in giving new tools to local officials as we work through these difficulties, but it is important for us to stay focused, to know that we have made some incremental progress here, but there is a lot to do.

I will only say this, that while it is a complicated problem, in this Senator's opinion there are solutions. There are clearly solutions that work. There have been turn-arounds, success stories all over this Nation. We know what works. There are some wonderful best practices out there, and it is my hope that as I listen and learn more about what you all have been through in the last couple of years, that I can help to get those tools into your hands to help shape a solution so that the thousands of children that the chairman has pointed our attention to can receive help quickly.

#### PREPARED STATEMENT

Their needs are urgent, their needs are real, and I for one am not going to be one of the people that says it is just too much, we just cannot do it, there are no solutions. I know there are, and I am looking forward to working with you to find them.

Thank you so much, and thank you, Mr. Chairman.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

Good Morning. I would like to begin my remarks by thanking the witnesses for giving of their time to come and share with us the progress they have made and the remaining challenges they still face in the child welfare system in the District of Columbia. I sincerely believe that there is no greater accomplishment one can achieve in this world than making a difference in the life of a child. Yet, I also understand that this type of work is uniquely demanding, with little thanks and even less glory. So, I thank you.

It has been said that there is no such thing as a simple solution to a complex problem. For a number of reasons, I think that that maxim applies to the topic of this hearing today. To think that one hearing, one bill, one reform, one court order or one person can single handedly solve the problems facing the child welfare system in DC would be a mistake. The solution to this very complex problem lies in system wide reform, led by the Mayor and those he sees fit to appoint. This process will require continued support and financial investment by the federal government. And above all else, it will require that the district be willing to do what, quite truthfully, is hard for many governments to do—to put their children's needs first instead of last.

It has also been said that an undefined problem has an infinite number of solutions. For me, exploration is the best use of this hearing, and perhaps future hearings on this issue. To encourage the district to explore their challenges, assist them in developing real short term and long term solutions and most importantly, determine what the federal government, through its appropriation power, can do to supplement and support those reforms. In my view, this is not a situation in which it would be prudent for us to give "unfunded mandates." Rather, we should use our unique relationship and responsibilities to the district to help them to help themselves.

Child Welfare experts from across the country have been a part of drafting their plans for reform. Others have reviewed this plan and agree that it is based on the best practices of other successful reform efforts. What the District needs now is the freedom to implement this plan and the tools necessary to make it work.

As a child welfare advocate, I think it is important to note that many of the child welfare issues faced by the district are not unique to this city. In my own state of Louisiana, they are also faced with overburdened caseworkers, back logs in the courts, and too many children in care for too long. While we must keep our focus on the tragic death of the little girl from DC foster care, Brianna Blackmond, we must also remind ourselves that two months ago a little girl from Virginia, Katelyn Frazier, suffered the same horrible fate. The foster care crisis is a national crisis. Reforms made in DC can and should be coordinated with nationwide reform for children in care.

This is not to say that there are not issues here that are unique to DC. There are and that is why it is so important to allow the Mayor and the newly created agency to have the flexibility necessary to address the challenges. DC suffers from a more desperate lack of qualified caseworkers. The national shortage in these types of professionals is hardest felt here. In addition, their inability to recruit foster parents far exceeds the national scope of this problem. Finally, the demographics of their children pose unique challenges that need to be addressed.

I look forward to hearing from the officials present about their renewed vision for the future of the child welfare system in DC.

Senator DEWINE. We will now turn to our first panel. Deputy Mayor Carolyn Graham is currently the Deputy Mayor for Children, Youth, and Families, formerly serving as the Senior Policy Advisor to the Mayor for Children and Youth. She has had an extensive career in the field of human services and nonprofits, at one time serving as the Director of the Human Services Department of Broward County, Florida. She has a master's of education degree from Antioch College, and a master of public administration, City University of New York, and a master of divinity from New York Theological Seminary.

Sondra Jackson currently is the interim receiver for the Department of Child and Family Services, and we welcome her as well.

Judith Meltzer is the senior associate at the Center for the Study of Social Policy. The Center for the Study of Social Policy is a non-profit policy research and technical assistance organization located in the District of Columbia. From 1992 to 1995, and from January 1997 to the present, the Center for the Study of Social Policy has served as the court-appointed monitor of the District's child welfare system under *LaShawn A. v. Barry*.

Eric Thompson, our fourth panel member, is currently with Children's Rights, Incorporated, formerly of the American Civil Liberties Union's Children's Rights Project, who brought the class action lawsuit of *LaShawn A. v. Barry*.

Welcome, all of you. We thank you very much for coming. I think what we will do is start from my right, which would be your left, with Ms. Graham, and we will just work our way right down the list. As I indicated to the panel members, Congressman DeLay is on his way, and when he gets here we will put him on because of his schedule, and we will interrupt the testimony at that point. If you could limit your comments to about 5 minutes, then we will go from there, and in fact I see Mr. DeLay at this point. Congressman, thank you for joining us. We are going to put you right on, and the timing could not have been better. You have not been subjected to my lengthy opening statement—

Senator LANDRIEU. Which was excellent, though long.

Senator DEWINE. But I will send you a copy of it.

Mr. DELAY. Thank you, sir.

Senator DEWINE. Let me introduce Hon. Tom DeLay, who in addition to his leadership in the House of Representatives in general has been a real leader in this whole area of adoption and foster care, and anything that has to do with children, you can bet Congressman DeLay is going to be involved in it.

He brings a personal interest to this as well as a public policy interest. He is someone who has acted on that personal interest, and someone who has taken his leadership position in the House of Representatives and used that as a bully pulpit for children. Congressman, thank you very much for joining us, and the floor is yours.

**STATEMENT OF CONGRESSMAN TOM DeLAY, MAJORITY WHIP, U.S. HOUSE OF REPRESENTATIVES**

Mr. DELAY. Thank you, Senator, and Mr. Chairman, and Senator Landrieu. I greatly appreciate your holding this hearing. It is a very important issue that you are looking at today, and I appreciate your remarks, Mr. Chairman, but what you failed to say is, I am very direct, and I am going to be direct this morning.

What has been going on in Washington, DC, although a lot of people are working right now and doing a great job, including the mayor, this is an issue that is a travesty. We need to focus on the best interests of the children, so I am glad to be here with you this morning, and I am glad that we share a commitment to demand accountability from the system that protects children in the District of Columbia.

Both the foster care system and the city's court system have to change before the District's children will begin receiving the protection that they so urgently need. Resolving the problems plaguing the District's foster care system will require a very thorough and probing analysis, and frankly some very hard decisions.

We begin with an unavoidable consensus: the current system is flawed, and that system is flawed because some abused children are still languishing in foster care for almost 4 years. Other children lose their lives because people in the District's systems did not do their jobs.

**ADOPTION AND SAFE FAMILIES ACT**

Many of us were concerned by the plight of children trapped in the District's child welfare system long before public attention focused on its shortcomings. In 1997, we passed in Congress the Adoption and Safe Families Act. Senator DeWine, thanks to you, with your hard work in passing this legislation, our goal was to make the child's health and safety the paramount concern, while deciding where to place abused children.

We hoped that this legislation would finally begin a transformation to a system that places the best interest of the children within that system first. That is certainly not happening today, because the current system still does not work. I think that is intolerable, and we should not accept it.

We now know that the benefits of the foster care reform legislation have not been realized in Washington, DC, because the District simply did not move aggressively enough to embrace the re-

quired changes. That will only happen if the District takes the concrete steps needed to create an effective system. These include but are not limited to putting children's interests first, making timely judicial decisions, shortening the time in foster care, and establishing a safe, permanent placement as priority.

#### REFORMING THE SYSTEM

Unfortunately, it took the death of yet another innocent child to expose the lamentable state of the District's foster care system to the public eye. It will only be through the sustained attention of men and women in the District that the system will be reformed, and only reform will ensure that children will not be further harmed by the system tasked with protecting them.

Those of us calling for accountability have taken some criticism of late. Opponents of reform claim that the catalyst of our attention has been the headlines surrounding Brianna Blackman's death. Well, I, for one, am still upset by the filings that killed Brianna, but her tragic death only exacerbated concerns we already had with shortcomings in many foster care systems around this country.

The truth is that we are trying to prevent the additional deaths that will inevitably flow from a system that is recklessly incompetent and unaccountable. We have also got to make certain that the District does not continue allowing children to linger endlessly in foster care. We need to speed their transition to permanent placement.

We are here today to get a status report on the steps the District is taking to meet these unmet needs, and I am glad that Mayor Williams shares our frustration, and has done an incredible job in standing up to some incredible opposition. I also think he shares our determination to mandate the changes that will protect children in Washington, DC.

We can only hope that the people empowered to protect children will put aside parochial concerns and make the children's best interests their sole overriding criterion. When that happens, I think the District will finally be on the right track, and I want to work closely with those of you in the Senate to move the District's foster care system from receivership to a successful program that can be a model for reform, and I thank you, Mr. Chairman, for holding this hearing.

Senator DEWINE. Congressman, thank you very much. We really appreciate your testimony. We will let you go back to the other side, and we just appreciate your commitment. We know that this is the first of probably several hearings that we are going to hold, and we look forward to working with you to help the District resolve these issues.

Mr. DELAY. Thank you, Mr. Chairman.

Senator DEWINE. Thank you. We appreciate it very much.

Ms. Graham, thank you.

#### STATEMENT OF CAROLYN N. GRAHAM, DEPUTY MAYOR, OFFICE OF THE MAYOR, DISTRICT OF COLUMBIA

Ms. GRAHAM. Good morning, Senator DeWine, and Senator Landrieu. I am Carolyn Graham, Deputy Mayor for Children,



Youth, and Families in the District of Columbia, and on behalf of Mayor Anthony A. Williams I welcome the opportunity to testify at this oversight hearing today, and wish to commend each of you for the work that you have done on the Adoption and Safe Families Act.

#### RECEIVERSHIPS

As you know, the quality of our child welfare system in the District of Columbia has been a longstanding concern for the city. In September of last year, I testified before the House of Representatives Committee on Government Reform Subcommittee on the District of Columbia, that it was time for the Child Welfare Agency to return to the control of the Mayor. I told the committee that although some improvements had been made during the receivership in terms of infrastructure within CFSA, substantial improvements have not been seen in terms of case practice and better permanency outcomes for children.

I also testified at that time that receiverships are not intended as permanent solutions, and further, that this administration has clearly demonstrated a commitment to improving the child welfare system in the city. I am thus pleased to report to you today that, following that hearing, a consent order was approved by the U.S. District Court on October 23, 2000, in the *LaShawn* case.

In this order, the Federal court approved the parties' agreement to terminate the receivership and return the agency to the control of the District of Columbia upon the satisfaction of four specific conditions. The first is the enactment of legislation to unify the child welfare system, and to establish the CFSA as a Cabinet-level agency. The second is the promulgation of regulations for foster and group homes, the third is the selection of a Director, and the fourth is the Director's selection of a senior management team for the agency. We are well on our way to satisfying each of these conditions.

The legislation to unify the agency and to establish it as a Cabinet-level was developed and is now in Congress, going through its 30-day approval process. We would expect that, by the end of this month, that process will have been completed. The regulations for foster homes and group homes will be published in the District Register within the next 30 days. A search firm has nearly completed its work in the identification of a director for the agency. We expect to select this individual by next month, and anticipate that the senior management team will be in place in May 2001.

Based on our progress to date, we expect the receivership to terminate, and the Child Welfare Agency to return to the control of the Mayor before the end of the current calendar year. We also are aggressively moving to implement the emergency child welfare reform plan that was submitted to the House of Representatives following the September 2000 hearing.

#### MAYOR'S REFORM PLAN

This reform plan was developed by the Mayor, and has six major areas of foci. One is the unification of the child welfare system, development of an integrated approach to the investigation and prosecution of child abuse and neglect, the development of a neighbor-

hood-based service delivery system, augmentation and reconfiguration of the legal staffing in the Office of Corporation Counsel in order to more expeditiously process abuse and neglect and adoption cases, the collaboration with the D.C. Superior Court, and the Council for Court Excellence, to address the backlog of adoption and foster care cases, and to explore family court models.

#### CFSA'S INFORMATION MANAGEMENT SYSTEM

Finally, the integration of CFSA's information management system into the District's newly developed safe passages information system. Here again, I am pleased to report that significant progress has been achieved. Regarding the systems' unification, we are working with the American Humane Association to train staff and to move that program component of abuse that the Court currently have into the Child Welfare Agency. With respect to the interstate compact for the placement of children, we are also moving that into the Child Welfare Agency. The agency will assume responsibility for this function as of April 1.

Child abuse investigations. On March 7, we took major strides towards improving our system for investigating and prosecuting child abuse cases. An MOU was signed by all of the agencies responsible for the investigation, and prosecution of child abuse. This agreement will ensure that children are interviewed only once during a child abuse investigation.

The neighborhood based service delivery system, we are exploring ways to expand that network now. Chapin Hall, a premier child welfare research and technical assistance organization, conducted an initial assessment of the current private service provider's capacity, and a follow-up assessment is currently being planned. With respect to legal resources, we are substantially increasing the legal resources for the child welfare agency. The Office of Corporation Counsel is now beginning the process of hiring more than 30 new legal and paralegal staff to process abuse and neglect complaints, as well as termination of parental rights petitions and adoptions.

With respect to the family court, as you perhaps know, the Superior Court is currently undertaking an internal assessment to determine the best strategy to pursue for establishing such a court. It should be noted that resources still appear to be a significant issue for the court. The Mayor has met on several occasions to discuss his support of the court's adoption of a family court model. While not being prescriptive, Mayor Williams has stressed the need for such a court, and his willingness to support the court's adequate resourcing in order to bring a family court to the District of Columbia.

#### FACES

With respect to the information system, work has begun to integrate CFSA's information system, FACES, into the District's Safe Passages information system. Safe Passages will ultimately combine information from all of the agencies in the city that serve children, including child welfare, juvenile justice, mental health, the Department of Health, early intervention, and the public school system.

This system will allow us to look across agencies and identify the services the children are receiving, as well as determine spending on a per-child basis. Safe Passages will also facilitate interagency communication and a coordinated case management approach to addressing the needs of our children in the city.

The child welfare system is, indeed, a top priority for this administration. Among other things, this is reflected in this administration's fiscal year 2002 budget submission. The Mayor has requested \$188 million in funding for the Child Welfare Agency. This constitutes full funding of the consent order. It represents 11.8 percent over the fiscal year 2001 approved budget. In dollars, this translates into approximately \$20 million new dollars over fiscal year 2001's approved budget.

Senator DEWINE. Ms. Graham, could we ask you to wrap up, please?

Ms. GRAHAM. Yes, sir.

Senator DEWINE. We would appreciate it.

#### PREPARED STATEMENT

Ms. GRAHAM. In closing, the administration looks forward to regaining responsibility for the full functions of this agency on a day-to-day basis. We are committed to working with all stakeholders to better protect our children from abuse and neglect, and to quickly find permanent homes for those children who cannot live safely with their parents.

I thank you for this opportunity.

[The statement follows:]

#### PREPARED STATEMENT OF CAROLYN N. GRAHAM

Good morning Senator DeWine, Senator Landrieu and members of the Committee. I am Carolyn N. Graham, Deputy Mayor for Children, Youth and Families in the District of Columbia. On behalf of Mayor Anthony A. Williams, I welcome the opportunity to testify at this oversight hearing today.

As you know, the quality of our Child Welfare System has been a longstanding concern for the City. The City has been under a Federal court order since 1991 and the Child and Family Services Agency (CFSA) has been in some form of receivership since 1994.

In September of last year, I testified before the House of Representatives (Committee on Government Reform, Subcommittee on the District of Columbia) that it was time for the Child Welfare Agency to return to the control of mayor. I told the Committee that, although some improvements have been made during the receivership in terms of infrastructure within CFSA, substantial improvements have not yet been seen in terms of case practice and better permanency outcomes for children.

I also testified at that time that receiverships are not intended as permanent solutions and, further, that this administration has clearly demonstrated a commitment to improving the Child Welfare System in this city.

I am thus pleased to report to you today that, following that hearing, a consent order was approved by the United States District Court on October, 23, 2000 in the *Lashawn* case. In this order, the Federal court approved the parties' agreement to terminate the receivership and return the agency to the control of the District Government upon the satisfaction of four specific conditions:

- First, the enactment of legislation to unify the Child Welfare System and establish CFSA as a Cabinet-Level Agency with independent personnel, procurement and licensing authority, consistent with District of Columbia Law;
- Second, the promulgation of regulations for Foster and Group Homes;
- Third, the selection of a CFSA Director; and
- Fourth, the selection, by the new Director, of a Senior Management Team for CFSA.

We are well on our way to satisfaction of each of these conditions:

- The legislation to unify the Child Welfare System and establish CFSA as a Cabinet Level Agency was developed by the Mayor and approved by the District Council. It was forwarded to Congress for the 30-day Congressional review period and should be enacted on March 30, 2001.
- Regulations for Foster Homes and Group Homes have been drafted (with extensive stakeholder input) and will be published in the DC register within the next 30 days.
- A Search firm has been engaged through George Washington University's Center for excellence in Municipal Government to help us with conducting a national search for a CFSA Director. This work is being supported by a generous grant from the Annie E. Casey Foundation. The first round of candidate interviews for the position of Child Welfare Agency Director has been completed. We expect to select a Director by next month and anticipate that the senior management team will be in place during May 2001.

Based on our progress to date, we expect the receivership to terminate and the Child Welfare Agency to return to the control of the Mayor before the middle of the current calendar year.

We are also aggressively moving forward to implement the emergency Child Welfare Reform Plan that was submitted to the U.S. House of Representatives following the September 2000 hearing. This reform plan was developed by the Mayor and has six major areas of focus:

- Unification of the Child Welfare System, the functions of which are currently split among CFSA, the Metropolitan Police Department and the Social Services Division of the District of Columbia Superior Court;
- Development of an integrated approach to the investigation and prosecution of child abuse and neglect;
- Development of a neighborhood-based service delivery system through expanded partnerships with community service providers;
- Augmentation and reconfiguration of legal staffing in order to more expeditiously process abuse and neglect and adoption cases and in order to provide more direct legal support to CFSA Social Workers;
- Collaboration with the D.C. Superior Court and the Council for Court Excellence to address the backlog of adoption and foster care cases and to explore family court models; and
- Integration of CFSA'S information management system into the District's newly developing safe passages information system.

Here again, I am pleased to report significant progress.

- System Unification.*—As I noted above, the Legislation to unify the Child Welfare System was passed by the Council and is under Congressional review. In addition, we have contracted with the American Humane Association—a nationally renowned expert in Child Welfare System Reform—to assist with ending bifurcation and to manage the process of transferring Court Social Services (CSS) staff and cases to the Child and Family Services Agency. Indeed, planning for the transfer is underway. We negotiated a Memorandum of Understanding (MOU) with the Superior Court that establishes the conditions that must be met in order to transfer CSS' staff to CFSA. We are currently negotiating terms for the transfer of the CSS employees with the personnel director at the Superior Court. The American Humane Society is working with Representatives from CFSA and CSS to develop the programmatic aspects of the transfer, which we hope to accomplish by October 1, 2001.
- ICPC.*—The Interstate Compact for the Placement of Children—known as ICPC—is also being transferred to CFSA pursuant to the October 23, 2000 consent order and the new enabling legislation. this function is required when children from the District are placed in other states. previously, the function was handled by the District's Department of Human Services. CFSA staff are currently being trained by the American Public Human Services Association (APHSA) to assume this function. The agency will assume the responsibility on April 1, 2001.
- Child Abuse Investigation.*—On March 7, 2001, we took major strides toward improving our system for investigating and prosecuting child abuse. An MOU was signed by all of the agencies responsible for the investigation and prosecution of child abuse. this agreement will ensure that children are interviewed only once during a child abuse investigation and that this interview will be conducted in a place that is friendly to children by someone who is an expert in working with children. Previously, children had to endure multiple interviews with multiple agencies, further traumatizing them. This agreement was signed by the Mayor, the United States Attorney, the Superior Court, the Child and Family Services Agency, the Office of Corporation Counsel, the Safe Shores

Children's Advocacy Center, Children's National Medical Center, the Commission on Mental Health Services, and the D.C. Public Schools. The MOU establishes a clear process that will facilitate appropriate communication and collaboration amongst these agencies.

—*Neighborhood-Based Services.*—We are continuing to partner with community-based organizations, which are working in our neighborhoods with families. We are exploring expanding our partnerships with private service providers. Chapin Hall—a premiere Child Welfare Research and Technical Assistance Organization—conducted an initial assessment of current private service provider capacity and a follow-up assessment is now being planned. Once this work is complete, we will be able to determine the degree to which we might increase our use of these agencies.

—*Legal Resources.*—We are substantially increasing legal resources for the Child Welfare Agency. The Office of Corporation Counsel is now beginning the process of hiring more than 30 new legal and paralegal staff to process abuse and neglect complaints as well as termination of parental rights petitions and adoptions. The Mayor's fiscal year 2002 budget request for the Office of Corporation Counsel includes approximately \$1.9 million in additional funding in order to maintain these new positions.

—*Family Court.*—As you perhaps know, the Superior Court is currently undertaking an internal assessment to determine the best strategy to pursue. It should be noted that resources still appear to be a significant issue for the court. The Mayor has met on several occasions to discuss his support of the court's adoption of a family court model. While not being prescriptive, Mayor Williams has stressed the need for such a court and his willingness to support the court's adequate resourcing in order to bring a Family Court to scale in the District.

—*Information System.*—Work has begun to integrate CFSA's information system—"FACES"—into the District's safe passages information system. Safe passages will ultimately combine information from all of the agencies in the city that serve children, including Child Welfare, Juvenile Justice, Mental Health, Department of Health, Early Intervention and the Public School System. This system will allow us to look across agencies and identify the services children are receiving as well as determine spending on a per child basis. Safe passages will facilitate interagency communication and a coordinated case management approach to addressing the needs of children.

Child Welfare is a top priority for this administration. Among other things, this is reflected in this administration's fiscal year 2002 budget submission. The Mayor has requested \$188 million in funding for the Child Welfare Agency. This constitutes full funding.

We are taking every opportunity to ensure that there is a seamless transition of CFSA back to the Mayor's control through the development of linkages between the Child Welfare System and our Health and Human Service Agencies.

—The CFSA receiver participates in twice-monthly meetings with the Directors of all our Human Service Agencies. This provides an opportunity to identify and resolve cross-agency issues.

—CFSA participates in several interagency work groups coordinated by the Mayor's Office, including one focusing on developing community-based services for children with mental health needs. This group is focusing on bringing foster children who are in out-of-state mental health facilities home to the District by developing the needed services here in the city. This work is being supported by the Casey Family Program.

—A Memorandum of Understanding was signed between CFSA and the Department of Health's Addiction Prevention and Recovery Administration (APRA). Under this MOU, APRA will be developing and implementing detoxification and Substance Abuse Treatment Services and Programs for children and families in the Child Welfare System.

In addition to initiatives directly related to the Child Welfare System, this administration is also taking a very proactive and preventive approach to improving child well-being as evidenced by the following:

—Establishment of Neighborhood based Parent Development Centers;

—Implementation of home visits to families with newborns and young children;

and

—Significant expansion of after school programs for children and youth.

Indeed, the Child Welfare Agency returns to the city at an exciting time as we embark upon a major initiative to rebuild our Human Services Network in the District. We are now developing a plan to establish a system of "Neighborhood Places" throughout the City. These neighborhood places will be centers in neighborhoods

where public services for children and families will be available and integrated across agency lines. In other words, there will be one place in a neighborhood where you can go to get child care, medicaid, food stamps, SSI, TANF, and employment information and services. Ultimately, Child Welfare, Juvenile Justice, Health and Mental Health Services will be aligned with these neighborhood places. These centers will also be closely linked to existing private and faith-based networks, ensuring that families benefit from the range of community partners who are already working in these neighborhoods. The vision is of a seamless system of Human Services that families can access in the neighborhoods where they live. A primary focus of these centers will be on supporting families so that child abuse and neglect does not occur in the first place.

In closing, this administration looks forward to regaining responsibility for the full functions and the day-to-day operations of the Child Welfare Agency. We are committed to working with all stakeholders to better protect children from abuse and neglect and to quickly find permanent homes for those children who cannot live safely with their parents. The City's children deserve no less than this. I thank you for the opportunity to testify before the distinguished members of this committee and am happy to answer any questions that you may have.

Senator DEWINE. Thank you very much. We appreciate it.  
Ms. Jackson.

**STATEMENT OF SONDRA JACKSON, ACTING CHIEF, CHILD AND FAMILY SERVICES AGENCY, DISTRICT OF COLUMBIA**

Ms. JACKSON. Good morning, Senator DeWine and Senator Landrieu. My name is Sondra Jackson, and I am the court-appointed interim general receiver for the Child & Family Services Agency. I was appointed in December 2000. However, I have worked with the agency in an effort to bring the agency into compliance with the modified final order for 3½ years now. I thank you for this opportunity to provide testimony on the status of the Child and Family Services Agency, particularly as the agency begins the transition back into the District of Columbia.

I would like to begin my testimony by highlighting some of the accomplishments CFSA has made that I believe make transitioning possible at this time.

**CHALLENGES**

The District of Columbia has been confronted with many challenges over the past 3 years. There have also been some successes. We have exceeded our performance goals in areas of the child welfare system such as increasing the number of adoptions by about 49 percent, increasing the number of foster homes by about 16 percent, and improving Federal reimbursement by 22 percent from last year.

We have also developed D.C. Kids, our health care program, which is designed to provide comprehensive health services for children. In other words, we are doing mental health screenings, physical health screenings, comprehensive exams, and now over 80 percent of all of these children have been put into a health care tracking system.

We also want to expand our family preservation and support services by the use of community based partners, and I think it is going to be important that we continue that effort in the District of Columbia.

The fastest-growing population in child welfare today is relative care. We have over 2,545 children in the city in our system placed with relatives. The agency will need to continue to develop sup-

ports for relatives. So far, we have a 4(e) demonstration project that works with the community to try to enhance the services for relatives.

We also have a kinship-guardianship program, subsidized guardianship program, which starts within a month. The automated system that you referenced, Faces, is undergoing modifications this year, and enhancements. We are excited to work with the Mayor's office on integrating our system into the city's child information system.

The agency continues to work to achieve greater interagency cooperation with other agencies in the city. The Superior Court is important, the Corporation Council, the Metropolitan Police Department are all important agencies in terms of coming into compliance with the Adoptions and Safe Families Act.

In addition, the agency must form a better relationship with other District agencies that offer specialized services for children, such as D.C. Public Schools, the Mental Health Commission, and the Addictions Prevention Recovery Administration. We are funding several initiatives with these agencies to develop specific services for children in the child welfare population.

Appropriate staffing levels continue to be a major concern for CFSA, and we have put in incentive packages which have recently been approved by the Mayor and the city council. CFSA also continues to recruit individuals with bachelor level degrees in social work to augment the service delivery. As you know, all of our social workers are master's level people.

A major challenge, though, has been in retaining workers, and there are several problems with that. The one that I think we are going to try to find a solution to is to get adequate legal representation for our social workers in the court to help prepare workers as they go into their hearings. The agency is transferring \$1 million to the Corporation Counsel to make this happen.

CFSA wants to improve and recruit foster parents. We have several projects with foundations to help us accomplish this.

Senator DEWINE. Ms. Jackson, if you could just wrap up please, we would appreciate it.

Ms. JACKSON. Okay. Finally, CFSA is working with the city and plaintiffs in transitioning the agency back. We have had satisfactory relations as we attempt to do this.

#### PREPARED STATEMENT

In conclusion, I want the committee to know that we are very concerned about our children, that we continue to work closely to provide better services, and I thank the committee for hearing me. [The statement follows:]

#### PREPARED STATEMENT OF SONDRA JACKSON

Good morning Chairman Dewine and members of the Subcommittee. My name is Sondra Jackson and I am the court-appointed Interim General Receiver for the Child and Family Services Agency. I have served in the capacity of Interim General Receiver since December 2000. Thank you for the opportunity to provide testimony on the status of the Child and Family Services Agency, particularly as the Agency begins the transition back into the District of Columbia government.

The Child and Family Services Agency operates under the mandates of the Modified Final Order (MFO) issued by U.S. District Court Judge Thomas F. Hogan in January 1994. For the past three (3) years, I have been a part of the Agency's ef-

forts to bring this Agency into compliance with the requirements of the Modified Final Order. Although there are areas that still need improvement, I believe that we have made significant progress.

I would like to begin my testimony today by highlighting some of the accomplishments CFSA has made under the current Receivership that make transitioning back into the District of Columbia government possible at this time, and conclude by providing the Subcommittee with an update on CFSA's role in the transition.

#### CFSA ACCOMPLISHMENTS

While the Child Welfare system in the District of Columbia has been confronted with many challenges this past year, there has also been significant improvement and progress over the last three years. I am pleased to report briefly on a number of accomplishments for fiscal year 2000, and the status of the Agency's performance goals and targets contained in our fiscal year 2001 budget document.

##### *Fiscal year 2000 Performance Goals and Targets*

CFSA targeted a 32 percent increase in the availability of neighborhood based services to children and families through the Healthy Families collaboratives. A 33 percent increase was achieved; from 987 to 1,316 families.

CFSA targeted a 100 percent rate of safely protecting children within their families. A rate of 97 percent was achieved; 7,435 out of 7,641.

CFSA targeted a 40 percent increase in the number of finalized adoptions. A 37 percent increase was achieved; from 250 to 343.

CFSA targeted a 15 percent reduction in the length of time between the decision to pursue adoption and finalized adoption. A 44 percent reduction was achieved; from 2.36 to 1.32 years.

CFSA targeted a 33.6 percent increase in federal reimbursement under titles IV-E, XVI (SSI), and XIX (Medicaid). A 22.6 percent increase was achieved; from \$45.6 to \$55.8 million.

CFSA targeted a 10 percent increase in the number of licensed foster care homes. A 16 percent increase was achieved; from 437 to 507.

##### *DC KIDS*

The DC KIDS Health Care Program was implemented in fiscal year 2000. This health system was developed to ensure that children entering the care and supervision of the Agency receive a full health screening and follow-up health care. Approximately 80 percent of all foster care children were enrolled in DC Kids. We are currently in the process of reviewing the existing contract, which expires September 30, 2001, and re-negotiating a new contract to ensure that this system of services continues to meet the needs of the children we serve. In addition, we are also in discussions with Children's Hospital to provide a full range of health care services for all children, including those currently served by Court Social Services, and to expand services specifically for child victims of sexual abuse.

##### *Community-Based Services*

Expanding family preservation and supportive services in the community is critical to achieving compliance with the Adoptions and Safe Families Act, regardless of whether a child resides in the home, with a relative, with an adoptive parent, or in foster care. Using neighborhood supports and the professional help of social workers from the Agency, we have been able to augment the strengths of the families in their own communities. It is not good practice to remove children from everything they know and love if a nurturing, safe, and supportive home can be found where they live.

##### *Kinship Care*

In fiscal year 2000, CFSA provided services to 986 families with 2,545 children living with kin in their communities. The number of children in kinship care, who might otherwise have been removed from their community, increased 22 percent from fiscal year 1999. "Connecting Families" is a five year Title IV-E Child Welfare Demonstration Program which was launched in fiscal year 2000. This project will assist CFSA in documenting the effectiveness of a service delivery system that relies on community-based partners to provide concrete support and services to kinship families.

In addition, CFSA is in the process of launching a kinship guardianship subsidy program for relative caregivers. The regulations needed to implement this program are being reviewed by the Office of Corporation Counsel and are expected to be published in the D.C. Register by April 2001.



### *Policy Manual*

The Agency has developed and updated policies for all major components of child welfare service delivery, including Intake and Investigations, Foster Care Services, Placement, Kinship and Family Services, and Monitoring Homes. These policies have been converted to an online format for easy staff use and regular updates.

### *FACES/Child Welfare Information System*

The Agency's automated system, FACES, was successfully implemented in fiscal year 2000. Its functionality includes the critical components to support service delivery, tracking and financial management. To date, interfaces between FACES and the District's SOAR and ACEDS systems have been completed. Interface requirements for the DC KIDS program and the Office of Paternity and Child Support Enforcement remain under development. Modifications and enhancements to the FACES system will continue during fiscal year 2001. In addition, CFSA has actively participated in the Mayor's Safe Passages Child Information System project with the expectation that FACES information will be integrated into the District-wide system.

### *Training and Staff Development*

In 1999 the Agency contracted with Virginia Commonwealth University (VCU) to deliver comprehensive training. During fiscal year 2000, the CFSA/VCU Training Project held 50 training courses, conducted 110 days of training, and trained 887 CFSA staff.

## FISCAL YEAR 2001 HIGHLIGHTS

### *Inter-Agency Initiatives*

The Agency continues to work to achieve greater inter-agency cooperation between CFSA and the D.C. Superior Court, Corporation Counsel, and the Metropolitan Police Department in fulfilling the mandates of the Adoptions and Safe Families Act. In addition, CFSA has initiated memoranda of understanding and issued requests for proposals to improve the Agency's ability to ensure mental health and substance services to the children and families currently served by the child welfare system. In this regard, CFSA has worked very closely with the Commission on Mental Health Services and the Addiction Prevention Recovery Administration to expedite this process. As a result of those discussions the Agency has also made funding available to ensure that our clients receive specialized treatment and services through programs administered by those agencies.

### *Staffing/Recruitment and Retention*

Appropriate staffing levels continue to be a major concern. CFSA submitted a recruitment and retention compensation incentive package to the Mayor that included a hiring bonus and an additional income allowance designed primarily as a retention incentive. The Mayor and the D.C. Council have approved this incentive package on an emergency basis.

CFSA has implemented other compensation incentive programs. An employee referral program and a program to reimburse new hires for relocation expenses are designed to enhance recruitment and to recognize employee contributions in the hiring of social workers. The Agency's recruitment plan envisions the hiring of an additional 50 new social workers who will be graduating this Spring from social work programs. In addition, CFSA continues to recruit and hire individuals with bachelor-level degrees in social work to augment the caseload responsibilities of existing workers. It is anticipated that prior to the end of this fiscal year new tangible programs proposed by our retention committee will positively impact our recruitment and retention needs.

### *Legal Representation*

A major challenge the Agency has experienced in retaining qualified social workers has been the absence of adequate legal preparation and representation in court hearings. To address this particular area of concern, and to improve the Agency's working relationship with the D.C. Superior Court in achieving compliance with the Adoption and Safe Families Act, the Agency is transferring \$1 million to the Office of the Corporation Counsel for the hiring of additional attorneys and paralegal staff to be co-located within CFSA.

### *Foster Home Recruitment Incentives*

CFSA's campaign to approve and recruit foster and adoptive parents has faced a number of challenges. However, in an effort to create additional homes in the District of Columbia, the Agency has commenced the My Community My Children Ini-

tiative in collaboration with the Annie E. Casey Foundation. This initiative will involve community partners in recruiting new homes and resources in the District of Columbia. In addition, the Modified Final Order requires CFSA to pay a board rate equal to the full cost of raising a child in the urban southeast. The Agency recently increased these rates to comparable levels in fiscal year 2000 and fiscal year 2001. It is the Agency's expectation that these recent increases will also improve the Agency's ability to recruit more foster homes in the District of Columbia.

#### UPDATE ON CFSA'S ROLE IN THE TRANSITION

As you may be aware, under the terms of a Federal Court Order entered on October 23, 2000, there are four (4) requirements that must be fulfilled before the LaShawn Receivership will terminate. The first requirement includes passage of legislation creating a separate department with independent personnel and procurement authority, licensing responsibility for child welfare related facilities, and consolidation of the abuse and neglect case responsibility in the new department. Second, the District must promulgate licensing regulations for both group and foster homes, and maintain Interstate Compact on the Placement of Children (ICPC) responsibility for children currently in the care of CFSA. Third, the District must hire a Director of the new department. Finally, the Director must assemble a management team for the new Department. CFSA has been working very closely with the Deputy Mayor for Children, Youth and Families to satisfy these transition requirements so that the Receivership will end this Spring.

#### *Transition Legislation*

Legislation establishing the Department of Child and Family Services and otherwise meeting the requirements of the Order was passed in December 2000, was signed by the Mayor and forwarded to Congress, and is awaiting the completion of the congressional review period. This Receivership has always advocated for legislation that would establish a single-State child welfare agency in the District of Columbia with primary responsibility for investigating child neglect and abuse cases. In fact, prior to the submission of the Mayor's emergency reform plan, the Agency requested the American Humane Association (AHA) to study the issue of bifurcation. This report, which was completed in November, 2000, provided the impetus for the plans now underway for the unification of child abuse and neglect responsibilities. Presently, representatives of the D.C. Superior Court, the Office of the Deputy Mayor for Children, Youth and Families and CFSA are working with AHA to coordinate this effort.

#### *Licensing Regulations for Foster Homes and Group Homes*

CFSA drafted the initial foster home licensing regulations and is working very closely with the District to develop regulations for the licensure of group homes. Over the last several months, working groups have been meeting to develop the regulations, and both sets of proposed regulations are in final draft form.

#### *Interstate Compact on the Placement of Children Transfer*

The October 23rd Order and enabling legislation also require the transfer of responsibilities related to the Interstate Compact for Placement of Children (ICPC) from the Department of Human Services to the new Department of Child and Family Services. I have signed a Memorandum of Understanding (MOU) with the Deputy Mayor for Children, Youth and Families to effect this transfer. The American Public Human Services Association (APHSA) has agreed to train staff and to notify all other states of the transfer of responsibilities. Under the terms of the MOU, the Receivership will absorb all costs related to the transfer during this fiscal year. This transfer is expected to take place April 2001.

#### *Selection of CFSA Director and New Management Team*

With respect to the search for a new Director, a national search is underway. The process for selection includes input from a committee comprised of the Deputy Mayor for Children, Youth and Families, the District's Director of Personnel, Plaintiff's Counsel, the Court Monitor, the Director of the District's Youth Services Administration, and the Chair of the D.C. Council's Human Services Committee. I also serve on this committee. The Director of the District's Office of Personnel is coordinating the search.

#### CONCLUSION

In conclusion, Mr. Chairman, while the Child Welfare System in the District of Columbia has been confronted with many challenges this past year, there has also been significant improvement and progress. Ensuring the safety and well being of

the children in our care continues to be the responsibility we take most seriously. Thank you for the opportunity to address the Senate Appropriations Subcommittee on the District of Columbia. I would also like to thank the Congressional staffers who visited our offices this month to observe first hand the positive things the Agency is doing to support children and families in the District of Columbia. I ask for your continued support in our efforts to achieve compliance with the requirements of the Modified Final Order and the return of the Agency to the District of Columbia government. I will be happy to answer any questions you may have.

Senator DEWINE. We thank you very much.

**STATEMENT OF JUDITH MELTZER, DEPUTY DIRECTOR, CENTER FOR THE STUDY OF SOCIAL POLICY**

Senator DEWINE. Ms. Meltzer, thank you for joining us.

Ms. MELTZER. Thank you. Good morning. I want to thank you for inviting me, and I especially want to thank both of you for your opening statements, and the importance that you have given to this issue in those statements.

I am Deputy Director of the Center for the Study of Social Policy, and the center, as you mentioned previously, serves as the independent monitor of the District's system under the *LaShawn* decree.

**LASHAWN DECREE**

As monitor, I am responsible for independently and objectively assessing the progress of the Government and the receivership in implementing the decree. We do this in as collaborative a way as possible, working with the receiver, with District government officials, with outside advocacy groups, and with the plaintiffs. We review administrative and case load data provided by the agency on a monthly basis, we perform independent case record reviews, we do case studies, and we perform special studies as needed. We have recently commissioned an independent audit of the agency's financial activity for fiscal year 2000, and we expect to have that audit completed by June 15.

We are near completion of an in-depth review of children in group care facilities, which involved us doing on-site visits at these facilities, as well as focus groups with the children and youth who attended the facilities. We have also just initiated an in-depth review of the quality of care provided under the DC Kids health care initiative.

**CHILD WELFARE SYSTEM**

It is important for you to know that the child welfare system has, in fact, improved since 1992, when I first began as monitor, and some of the clear improvements have been in the development of capacity to support families in neighborhoods through the Healthy Families, Thriving Communities Collaboratives, the creation of a staff training capacity, which never existed before, multiyear increases in numbers of adoptions, and significant increases in the agency's ability to draw down Federal funds under title 4(a) and title 19 of the Social Security Act.

Saying this, however, is not meant to imply that the system is anywhere near where it should be in terms of compliance, and it has been extremely frustrating for me as monitor, for the leadership of the agency, and for the public at large to understand why

it has been 10 years and the agency is still so far from where it needs to be.

Early on in Mayor Williams' tenure he made it clear that he was committed to reassuming responsibility, and effectuating a transition. A first test of his commitment was his deliverance on the fiscal year 2000 budget, which he did deliver on in the budget for fiscal year 2000 for the agency at \$184 million, representing about a \$30 million increase from the prior years.

That was the first time that that agency ever had enough money to adequately carry out its mandates, and we actually do not even know at this point whether it is significant, but at this point they now have enough money that they have properly budgeted to put in place some of the resources for children and families that have been so sorely absent.

The fiscal year 2001 budget is going to enable the development of substance abuse resources, mental health service resources, increase in foster parents' rate, and additional specialized placement resources. Those are just absolutely essential.

#### TRANSITION ORDER

Having delivered on the fiscal 2001 budget process, we entered into negotiations of this October 23, 2000 transition order, which everybody has mentioned. The order lays out prerequisite requirements for ending receiverships and for monitoring progress during a transitional period. It also provides some clear commitments to address some of the structural issues which have really impeded progress over these last 2 years, and that is why the inclusion in that order of the requirements for bringing abuse and neglect together and for dealing with the Superior Court and for providing lawyers and corporation counsel is so significant.

I want to underscore, though, that the receivership has not yet ended, although we are engaged with the District in meeting with the prerequisite requirements in an expeditious way. Attached to my written testimony is a report that I just filed with the court on where we are with all those transition requirements.

#### PREREQUISITE FOR TRANSITION

It is my best estimate that if things proceed as they are now, the prerequisites for a transition will be accomplished in June or July of this year. At that point, the receivership will end, and a probationary period will begin. During the probationary period, the agency will be expected to meet certain performance benchmarks related to remedial order requirements, and these are really children-related requirements. They are things like timely completion of investigations, placement of children in licensed foster homes, placement of children with siblings, reduction of children experiencing multiple placements.

We have set benchmarks for improvement over a 6-month period. These progress benchmarks were set deliberately low, or I would say conservatively, because we are not trying to set the bar so high that the agency has to go back into receivership, but we are trying to make sure that progress continues.

## LASHAWN ORDER

It is important also to emphasize, though, that at the end of the receivership, when the probationary period ends, the LaShawn order is still in effect, and the LaShawn order remains in effect until it is complied with. Under current circumstances we will continue to monitor the District's progress in complying with the agency's order.

## PREPARED STATEMENT

I wanted to briefly indicate what some of the challenges are that I think exist going forward, but I know I am out of time, so I will do whatever you want.

Senator DEWINE. We will do that in questions, and when we get a chance in the questions just jump in at some point. We will make sure that gets covered, because we want to hear that.

[The statement follows:]

## PREPARED STATEMENT OF JUDITH MELTZER

Good morning. I want to thank the Committee for inviting me to testify this morning and for your interest in improving the child welfare system in the District of Columbia. I am Judith Meltzer, Deputy Director of the Center for the Study of Social Policy. The Center has been appointed by U.S. District Court Judge Thomas Hogan as the independent monitor of the District's child welfare system under the *LaShawn A. v. Williams* lawsuit. We have served in that capacity from 1992-1995, and from 1997 to the present, with a brief hiatus when the system was first placed in Receivership.

As Monitor, I am responsible for independently and objectively assessing the progress of the District of Columbia government and the Receivership in implementing the LaShawn decree. The decree establishes the framework and requirements for a child welfare system that operates in compliance with District and federal law and that adequately protects children and supports and preserves families. I carry out the monitoring function in as collaborative a way as possible, working closely with the Receiver, District government officials, outside advocacy groups and the plaintiffs in the lawsuit. We review administrative and case flow data provided by the Agency on a monthly basis, do independent case record reviews and case studies and perform special studies as needed. For example, we have commissioned an independent audit of the Agency's financial activity which is underway, and expected to be complete by no later than June 15, 2001. We are near completion of an in depth review of children in group care facilities, which included on-site reviews to half of the facilities under contract to care for children as well as focus groups with the children and youth residing in the facilities. We have also just initiated an in depth review of the quality and adequacy of health care services provided to children in the foster care system under the DC KIDS initiative.

It is important for you to know that the child welfare system has in fact improved since 1992, when I first began as Monitor. Some clear improvements have been the development of the capacity to support families in the neighborhoods through the eight Healthy Families, Thriving Communities Collaboratives; the creation of a staff training capacity through Virginia Commonwealth University and local schools of social work; a multi-year increase in the numbers of children adopted; and significant increases in the Agency's ability to properly draw down available federal revenue to support its work. Saying this, however, is not meant to imply that the system is anywhere near where it should be in terms of compliance with the LaShawn Remedial Order. There are many problems that have proven intractable to reform efforts and there are some things that have gotten better for awhile, only to move backward over time. The pace of progress and the ability to fix problems permanently has been extremely frustrating for me as Monitor, and is equally frustrating for leadership and staff within the Agency and for the public at large.

Early on in Mayor Williams's tenure, he made it clear that he was committed to re-assuming responsibility for child welfare functions in the District and that he was prepared to provide the leadership required to effectuate a transition from Receivership. A first test of his Administration's commitment was the funding of the fiscal year 2001 budget for the Receivership. Despite the rhetoric over the years

which has implied that the Receivership has been free to establish its own budget and operate independently, the Receivership has always had to go through the regular budget and appropriations process of the District and until this year, was never adequately funded. The fiscal year 2001 budget included an infusion of approximately \$30 million which should enable the Agency to fund many previously unavailable resources such as substance abuse treatment, mental health services for children and families, as well as foster parent rate increases and additional specialized placement services.

Having delivered on the Mayor's budget promise for fiscal year 2001, we recently completed negotiations with the District and the plaintiffs which resulted in Judge Hogan's October 23 Transition Order. This Order lays out a series of prerequisite requirements for ending the Receivership and for monitoring progress during a transitional period. It provides clear, lasting commitments to address some of the structural issues that have inhibited compliance over these many years, and builds in long-term protections on such things as the budget and staffing for the Agency. I want to underscore that the Receivership has not yet ended but that we are engaged with the District in meeting the prerequisite requirements in an expeditious way. Attached to my testimony is a written report to Judge Hogan dated March 13, 2001 which assesses the current status of efforts to meet the transition requirements.

It is my best estimate that if things proceed as they are now, the prerequisites for transition will be accomplished in June or July, 2001. At that point, the Receivership will end and a probationary period will begin. During the probationary period, the Agency will be expected to meet certain performance benchmarks related to Remedial Order requirements. These are, for example, benchmarks regarding timely completion of investigations, placement of children in licensed foster homes that do not exceed licensed capacities, placement of children with siblings, reduction of children experiencing multiple placements, etc. Progress will be measured according to agreed-upon levels of improvement over a six-month period. As Monitor, we will establish the baseline performance at the point of transition and measure again at six months. The improvement targets were set extremely conservatively because the Court did not want to set the bar unrealistically high, thereby insuring District failure. The intent of the probationary benchmarks is to assure that progress will steadily continue after the Agency is removed from Receivership. It is important to emphasize that the end of the Receivership and the end of the probationary period does not mean the end of the LaShawn Order. The underlying Court Order and its requirements will remain in effect until substantial compliance is achieved. As Monitor, I will be working with the new Administrator to develop a revised implementation plan to achieve compliance with the LaShawn Order. Until compliance is demonstrated, there will be ongoing Court oversight of this agency's functioning.

I want to briefly indicate what some of the most important systematic and programmatic challenges for this agency in the next year.

The first and most important is to develop a stable workforce. Over the year 2000, the Agency hired 132 social workers but lost 128 workers, thus leaving them in much the same place, characterized by severe understaffing, high caseloads, worker burnout and inadequate service provision. The current staffing situation with a vacancy of almost 50 social workers is a crisis requiring immediate attention. I have asked the Agency to develop an emergency plan for utilizing BSW as well as MSW social workers and to reenergize their recruitment activities, utilizing hiring bonuses, incentive payments, payments to current workers to identify and recruit new staff, relocation allowances and reciprocity on licensure.

A second challenge is to improve the functioning and accountability of the front door of the system—that is the intake and investigation process—for both child neglect and child abuse cases. This will involve implementing joint investigations with the police, the transfer of Court Social Services staff currently serving families with substantiated child abuse, and working in greater partnership with the Healthy Families/Thriving Communities Collaborative and their community partners.

A third challenge is to comply with ASFA requirements on permanency. This will require vast improvement in assessment and case planning, developing a functional working relationship with the Office of Corporation Counsel, insuring that Corporation Counsel has the budget authority to hire a sufficient number of attorneys and that they outstation them to work closely with CFSA workers, and making structural improvements at the DC Superior Court.

A fourth challenge is to greatly accelerate the identification, study and support of foster and adoptive parent resources in the District of Columbia. This will require partnerships with communities, faith organizations, private agencies, the media as well as enhanced internal capacity to study and approve potential families.

The fifth challenge is a leadership challenge. The new Administrator must have the ability to create a common vision for child welfare services in the District and

to heal the fractures and finger-pointing among stakeholders that have made this job even harder than it should be. The Administrator must be experienced, talented, tough and bold and will need to be able to operate the Agency with a fair amount of independence. At the same time, the Administrator will need the clear support and backing from the Mayor, as unpopular decisions that rock the status quo must be made and sustained. The Administrator must demonstrate a commitment to outcomes and a willingness to work in new ways with communities and neighborhoods which break down the isolation of the child welfare agency. If children are to be protected, CFSA must make the community at large a real partner in their work on behalf of vulnerable children and families.

Thank you and I will be glad to answer any questions you may have.

#### PROGRESS REPORT ON IMPLEMENTATION OF OCTOBER 23, 2000 CONSENT ORDER GOVERNING TRANSITION OF THE LASHAWN RECEIVERSHIP

This is the second report prepared by the Monitor on the progress made to fulfill the conditions of the October 23, 2000 Consent Order governing the termination of the LaShawn Receivership.

Under the terms of the October 23, 2000 Consent Order, there are several actions that need to occur prior to the termination of the LaShawn Receivership. The District government is moving forward to accomplish the pre-termination requirements of the Consent Order. Current progress in each of these areas is described below:

1. Enactment of legislation to end the bifurcation of abuse and neglect and to establish the Child and Family Services Agency as a cabinet-level agency with independent personnel authority, independent procurement authority, and authority to license foster and group homes. The legislation also is to provide for the transfer of responsibility and authority for child abuse cases currently vested in the Director of the Superior Court Social Services to CFSA.

Status: Legislation was passed by the District Council on December 19, 2000 and was subsequently signed by the Mayor and approved by the Control Board. It was forwarded to the U.S. Congress on February 7, 2001 for required Congressional review and approval. If no objections are raised, it will become law after 30 legislative days which should be March 30, 2001. The bill established the child welfare agency as an independent cabinet level agency with responsibility for personnel functions and independent procurement authority consistent with District law. It also places responsibility for the licensing of foster homes and groups homes as well as for the Interstate Compact for the Placement of Children (ICPC) approval process within the child welfare agency. Finally, the bill requires joint investigation of abuse cases by CFSA and the Metropolitan Police Department and the transfer of Court Social Services' responsibility to CFSA for serving families in which there is child abuse.

Planning is underway for the transfer of Court Social Services staff, functions and responsibilities so that child abuse and neglect functions in the District can finally be merged. The American Humane Association is facilitating the planning activities and is coordinating the work of the many involved agencies including the Mayor's Office, the Office of Corporation Counsel, the Superior Court of the District of Columbia, the Metropolitan Police Department and the Child and Family Services Agency. There is much work that must be accomplished for this transition to be smoothly completed by October 1, 2001 (which is the planning target for the complete transfer of responsibility). In order for this to happen, interim milestone and performance benchmarks must be met and staff must be hired and trained. Despite some initial reluctance, all parties are now working together to make this happen. In the short term, Court Social Services is experiencing some attrition of existing staff. This is creating caseload pressures at Court Social Services which parallel the caseload pressures at CFSA. Discussion has begun about expediting the hiring of additional workers at CFSA who can be detailed to Court Social Services in this interim period. This will accelerate cross-training and ensure that the critically important abuse caseloads are not underserved.

2. Development and Promulgation of Licensing Standards for Foster and Group Homes

The October 23, 2000 Order requires that foster and group home licensing standards be developed and promulgated prior to the termination of the Receivership.

Status: Neither of these two conditions is accomplished yet but substantial progress has been made.

The proposed foster home regulations were sent this last week to the Office of Corporation Counsel for final legal review. They should be published for comment in the District Register within two weeks. The comment period is 30 days after which the regulations can be finalized. If all goes as planned, the regulations can be completed by mid-May.

Draft group home regulations were developed by the Office of the Deputy Mayor for Children, Youth and Families with outside assistance from Holland and Knight. Two drafts of the regulations have been sent out for stakeholder comment and a series of stakeholder focus groups have been conducted. The regulations are currently under final revision after which they will be sent to the Office of Corporation Counsel for final legal review and publication in the District Register. This process will take somewhere between three weeks to one month. The comment period will be another 30 days after which the regulations will be finalized. It is the Monitor's hope that all of these steps will be accomplished by June, 2001.

### 3. Recruitment and Selection of an Agency Director

A Director for CFSA, selected and appointed by the Mayor with concurrence of Plaintiffs and the Monitor, must be in place prior to termination of the Receivership.

Status: There has been continuing activity to recruit a new administrator for the Agency. The Director of the District's Office of Personnel (DCOP) is coordinating this work with the help of an outside search firm, Bennett and Associates. The Annie E. Casey Foundation has underwritten this process through a grant to the George Washington University Center for Excellence in Municipal Government to provide assistance with the process of recruiting a new Director, as well as for recruiting, developing and training the new leadership team.

The selection process has not gone as quickly as was originally anticipated. At this time, an initial round of candidates has been identified and interviewed by a small committee composed of the Deputy Mayor for Children, Youth and Families, the District's Director of Personnel, Plaintiff's Counsel, the Mayor's Special Counsel, the Court Monitor, the Interim Receiver and the Director of the District's Youth Services Administration. The search firm has been compiling reference material and it is hoped that the selection of final candidates will be made shortly. Finalists will be invited back for a fuller range of interviews with key stakeholders in government and the community after which a recommendation for selection will be made to the Mayor. It is the Monitor's hope that a candidate will be identified and recommended to the Mayor within a month. Given this timetable, it is unlikely that the new Administrator would be available to begin work much before June, 2001. Sondra Jackson, the Interim Receiver, has indicated her willingness to remain until an Administrator is hired, assuming it is accomplished expeditiously.

### 4. Recruitment and Selection of a Management Team

Prior to termination of the Receivership, the new Director must have an acceptable management team in place.

Status: Progress on this requirement will need to await the selection of a Director. As noted above, the Annie E. Casey Foundation grant can be used for help in recruiting a qualified management team and for a strategic planning retreat or other activities designed to develop the agency's senior leadership team.

In addition to the four areas discussed above, where action must be completed prior to termination of the Receivership, the October 23 Consent Order required action to begin in several other areas. These include:

5. All responsibility for the Interstate Compact for the Placement of Children (ICPC), currently carried out by an office within DHS, is to be transferred to CFSA.

Status: The Memorandum of Agreement governing the transition of the ICPC function to the Child and Family Services Agency was signed on February 6, 2001. The originally scheduled date for the transfer of this responsibility was March 1, 2001. The transfer date has been postponed pending completion of training of the new staff at CFSA who have been hired to carry out these functions. That training is underway with the expectation that the function will be transferred in April, 2001.

### 6. Employment of BSW and Paraprofessional Staff

The October 23 Consent Order allows CFSA to employ staff with BSW degrees as well as paraprofessional staff under appropriate circumstances to deliver services required under the MFO with agreement by Plaintiffs. The Order further stated that within 30 days, the parties were to negotiate the specific circumstances under which these staff are to be used.

Status: Upon agreement of the parties, the Monitor was to request and review a proposal from CFSA for the uses of BSW and paraprofessional staff. An initial proposal was developed by the Receivership and forwarded to the Monitor on November 21, 2000. One of the Monitor's comments on the initial proposal was that it did not go far enough, particularly in light of the hiring crisis at CFSA. Currently, there are close to 50 social worker vacancies at CFSA. The experience over the past few years has been that every spring and summer, the Agency hires as many MSWs as they can, primarily new graduates of schools of social work. Over the course of the year however, the rate of hiring slows and monthly turnover continues. Thus, by spring of the subsequent year, the Agency finds itself in roughly the same place



with respect to hiring goals as the prior year. In fact, during the calendar year 2000, CFSA hired 132 social workers but lost 128 workers due to resignation or termination.

It has been the Monitor's belief that the staffing pattern ought to include a combination of MSW and BSW trained social workers as well as a range of paraprofessional support staff. With proper training and supervision as well as clarity in job function and expectations, staff other than MSWs can properly carry out the case management and social work functions of the Agency. As a result of recent discussions with the Monitor, the Receivership is in the process of preparing a more ambitious plan for diversification of staff which will rely on both MSW and BSW social workers. Both the District and Plaintiffs support this approach. It is expected that a revised plan will be submitted to the Monitor within the next week and forwarded to the Defendant's Counsel and to Plaintiffs for their review and approval.

#### 7. Fiscal Year 2002 Budget

The October 23 Consent Order stipulates that the Mayor will take all reasonable steps within his authority to obtain passage of the CFSA budget using the fiscal year 2001 budget of \$184 million as a baseline, with required adjustments for implementing the new legislation, providing for foster parent rate increases, and providing additional staff necessary to meet MFO caseload standards.

Status: The District's fiscal year 2002 budget process is just beginning and the Mayor's proposed budget is expected to be complete by mid-March. The Mayor's Office has verbally indicated the CFSA budget will include the \$184 million baseline, as agreed upon in the Consent Order, plus the necessary additions to cover the costs associated with implementing the new legislation, principally the assumption of responsibility by CFSA for investigation of abuse cases; the costs associated with assuming the licensing function; the transfer of ICPC responsibilities; the costs associated with the transfer of the Court Social Services responsibilities and caseload; and required increases in foster parent rates. These initiatives will cost approximately \$4 million in fiscal year 2002 (assuming that the Superior Court Social Services staff are transferred under an Intergovernmental Personnel Act (IPA) agreement and their salary costs do not need to be in the CFSA fiscal year 2002 budget).

In addition to commitments on the CFSA budget, the Office of Corporation Counsel has indicated that the OCC budget will include the funds required to provide additional staff attorneys and paralegal/support staff to properly carry out child welfare functions. Because of the urgency of this need, the Receiver is transferring funds from CFSA's fiscal year 2001 budget to OCC to enable the immediate hiring of 32 additional positions (25 attorneys and 7 support staff). It is the Monitor's expectation, based on verbal assurances by OCC staff, that continued funding for these positions, as well as funds to meet additional hiring commitments contained in a proposed OCC staffing plan currently being negotiated by the parties (see Point 8 below), are expected to be included and clearly identifiable in the fiscal year 2002 budget request for OCC.

#### 8. Adequate Legal Staff

The October 23 Consent Order requires that CFSA be provided adequate legal staff to enable the agency to meet its legal obligations under the MFO. The Order did not detail what constitutes "adequate staffing," but there was an agreement that this would be determined based on an independent staffing study which would take into account the requirements of the Adoption and Safe Families Act (ASFA), the MFO requirements, and relevant professional standards. In addition, the Order requires that OCC attorneys assume an attorney-client relationship with CFSA and that there be a plan for co-location of staff.

Status: As previously shared with the Court, the staffing study prepared for the Office of Corporation Counsel met neither the Monitor's nor the Plaintiffs' expectations for this requirement. Discussions have been ongoing since December to address this issue. The Office of Corporation Counsel developed a revised proposal in early March which details their commitments to hire additional staff and to outstation a considerable portion of those staff with CFSA. Discussions on the acceptability of that plan are continuing. Issues that remain to be resolved are adequacy of staffing commitments for certain functions and lines of authority and accountability between OCC and CFSA. It is the Monitor's hope that differences in these areas can be resolved. In the interim, CFSA is transferring funds to OCC to enable the immediate hiring of 32 new positions (attorneys and support staff) to meet the immediate legal needs of CFSA staff and clients.

#### 9. Performance Standards

The October 23 Consent Order requires the Monitor to establish the baseline against which performance standards during the post-termination probationary period will be assessed. The Monitor will conduct the baseline study on performance using data from the month prior to the termination of the Receivership. At this

point, as mentioned previously, it is not possible to precisely determine when that will occur.

During this interim period, CSSP is continuing its ongoing monitoring activities with respect to the requirements of the LaShawn Order. These include monthly review of administrative data and preparation of formal progress reports for the Court and the public; informal monitoring meeting with the Agency Receiver and staff; completion of work in progress on a review of children in congregate care facilities; initiation of a targeted study of the DC Kids Health Care Program for Children in Foster Care; monthly convening of case reviews by an independent Practice Development Case Review Committee; and contracting for an independent fiscal audit of CFSA for fiscal year 2000. The audit firm of Williams, Adley and Company, LLP was engaged by the Monitor in early February and is currently doing an independent audit of the Agency for fiscal year 2000. The audit should be completed by no later than June 15, 2001.

**STATEMENT OF ERIC THOMPSON, STAFF ATTORNEY, CHILDREN'S RIGHTS, INC.**

Senator DEWINE. Mr. Thompson. Thank you very much.

Mr. THOMPSON. Good morning, Chairman DeWine, Senator Landrieu. My name is Eric Thompson and, along with Marsha Robinson Lowrey from Children's Rights, I represent the plaintiff children in the *LaShawn* class action lawsuit which was intended to reform child welfare services in the District of Columbia.

On behalf of those abused and neglected children we represent, I appreciate this opportunity to appear before the committee to present our perspective on the current status of the District's child welfare system. I am also very gratified to hear that the needs of these children are a priority in this committee.

**TRANSITION OUT OF RECEIVERSHIP**

Senators, as you know, we are now entering a new phase. We have negotiated, transitioned out of receivership based on the District satisfying certain conditions, after which administration of the child welfare system will be returned to the District control. However, it is important to emphasize that although the receivership will end if the District meets these specified conditions, court oversight over this agency does not end.

In addition, the agreement provides for a 6-month probation period after the receivership ends, and the likelihood is that a receivership will be reimposed if the District fails to meet certain standards.

Throughout the receivership, those aspects of the District government not under the control of a receiver have been enormously resistant to reforms in the agency, and cooperation from other branches of the District government was nonexistent. Nevertheless, the agency is now better organized. It has better systems in place than before it went into receivership. Unfortunately, it is still not functioning as an agency that can provide appropriate care and protection for children.

**STEPS TO REGAINING ADMINISTRATION OF CHILD WELFARE**

The Mayor's interest in regaining District administration of child welfare has provided an opportunity and an agreement that we have heard about this morning to remedy many of the problems that have long been impediments to the provision of appropriate services to children. The key provisions to which the District has recently agreed, and which the Federal court has ordered, are,

first, adequate funding. The fiscal year 2001 budget amounting to \$184 million was the first compliance budget ever submitted to Congress since the court's remedial order almost a decade ago.

Second, the transition order also establishes the agency as a Cabinet-level agency, reporting directly to the Mayor.

Third, CFSA will have authority over agency-related functions such as independent personnel procurement authority, and licensing authority for foster homes and group homes.

Fourth, as required by the transition order, legislation has been passed by the Council of the District of Columbia to consolidate all abuse and neglect investigations and services under CFSA. This will finally end bifurcation and bring the District in line with the rest of the country.

Fifth, the transition order requires the Office of Corporation Counsel to hire additional attorneys until there is adequate legal staffing for the agency. This will need to be reflected in a significant increase in the budget for the Office of the Corporation Counsel next year.

#### LASHAWN ORDER

In conclusion, the District's child welfare system will continue to function under the LaShawn remedial order, and the court-ordered monitor will remain in place to report on whether the system is improving.

We, as plaintiff's counsel, welcome the desire by the District government to take responsibility for a Government system so critical to the lives of the city's most vulnerable children and their families. We are, however, mindful that the city's government has not in the past made good on its promises to children.

We are also well aware that the District government did not take steps necessary to cooperate with the receivership and help strengthen this agency until very recently. We hope that the city's goal in seeking an end to the receivership has not been limited to realizing its desire for autonomy, and that when the agency does revert to city control the District government will exercise the commitment and competence necessary to operate an adequate child welfare agency and protect abused and neglected children in this city.

#### PREPARED STATEMENT

While plaintiff's counsel will not hesitate, should it become necessary, to bring the District back into court with the possibility of new Federal court sanctions should city government not make good on its commitments, we are guardedly optimistic.

Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF ERIC THOMPSON

On behalf of the abused and neglected children we represent, I appreciate the opportunity to appear before this Committee to present our perspective on the current status of the District's child welfare system, and the implementation of the court-ordered reform plan that grew out of the lawsuit, *LaShawn v. Barry*. My name is Eric Thompson, and along with Marcia Robinson Lowry from Children's Rights, we represent the plaintiff children in LaShawn, the class action lawsuit intended to reform child welfare services in the District of Columbia.

That case was filed in 1989, was tried in 1991, and resulted in a sweeping court order mandating necessary changes. When District government failed to comply with that court order, and demonstrated its inability to do so, we asked the federal court to find the District in contempt of court and to place the agency in receivership, which it did in 1995. We are now entering a new phase: we have negotiated a transition out of receivership, based on the District satisfying certain conditions, after which administration of the child welfare system will be returned to District control. However, it is important to emphasize that although the receivership will end if the District meets these specified conditions, court oversight over this agency—and the possibility of future contempt findings—does not. In addition, the agreement provides for a six month probation period after the receivership ends, and the likelihood that a receivership will be re-imposed if the District fails to meet certain standards.

Throughout the receivership those aspects of District government not under the control of the receiver had been enormously resistant to reforms in the agency, including the Metropolitan Police Department and Corporation Counsel, and insofar as the receiver was dependent on cooperation from other branches of District government, that cooperation was non-existent. Nevertheless, the agency is now better organized, and has better systems in place than it did when it went into receivership—but it is still not functioning as an agency that can provide appropriate care and protection for children.

The agreement to move the agency out of receivership remedies many of the problems that have long been impediments to the provision of appropriate services to children. The key provisions to which the District has agreed, and which the federal court has ordered, are:

#### ADEQUATE FUNDING

The child welfare system in the District has never been adequately funded. Even during the receivership, the agency was dependent on a very convoluted and unrealistic budgeting process that made it impossible to plan ahead, and to fund the many reforms required under the federal court order. Each year the District's fiscal office has sought to impose a baseline budget on the agency far below what the agency had actually spent the year before, and one that never took into account the many enhancements that were necessary to comply with the court order. Each year the receivership has had to wage a pitched battle with the District in order to bring the budget request for the agency up to a reasonable level even to maintain an inadequate status quo.

As a result of the negotiations over the transition, the baseline budget has been established as \$184 million, the amount estimated as necessary to comply with the court order, with an agreement that the baseline will be adjusted upward annually to meet certain specified additional expenses.

#### STRUCTURE OF THE AGENCY

Prior to the receivership, the agency responsible for child welfare services, the Child and Family Services Agency ("CFSA") was under the authority of the Department of Human Services, and did not report directly to the mayor.

The transition order establishes CFSA as a cabinet-level agency, reporting directly to the mayor.

#### AUTHORITY OVER AGENCY-RELATED FUNCTIONS

Many functions on which the child welfare agency is dependent have been under the control of other District agencies, which have had their own operating problems and to which child welfare has not necessarily been a priority. This has made it very difficult to hire personnel expeditiously, enter into contracts, or ensure that foster homes and other facilities that care for children are licensed promptly. Some of those functions came under CFSA agency control during the receivership, but would have reverted to external control, once again making CFSA dependent on other governmental entities with differing priorities.

The transition order gives CFSA independent personnel and procurement authority, including contracting and contract oversight, and licensing authority for foster and group homes. In addition, the Interstate Compact on the Placement of Children, under which many D.C. children are placed in neighboring states, will now operate under CFSA control.

## CONSOLIDATING ABUSE AND NEGLECT

The District of Columbia has been the only jurisdiction in the country in which responsibility for abuse and neglect cases has been handled by separate governmental entities; abuse complaints have been investigated by the Metropolitan Police Department, and services provided under the auspices of Court Social Services; neglect cases and foster care services have been under the auspices of CFSA. This bifurcation has long been considered a major problem and one that has contributed to the fragmentation and disorganization of services.

As required by the transition order, legislation has been passed by the Council of the District of Columbia to consolidate all abuse and neglect investigations and services under CFSA, and to transfer responsibility for abuse cases to CFSA.

## ADEQUATE LEGAL COUNSEL

The child welfare agency has long been hampered in its ability to protect children, and to facilitate the adoption process, by the lack of adequate legal counsel, by the lack of coordination with that legal counsel, and by unclear lines of authority with regard to supervision of the legal staff. The lack of appropriate and vigorous counsel for CFSA was a contributing factor, among several others, in the Brianna Blackmond tragedy.

The transition order mandates a reorganization of legal support for CFSA, requires the Office of Corporation Counsel to hire additional attorneys until there is adequate legal staffing for CFSA, and also requires that many of these attorneys be physically located in the same offices as the case workers who are their clients.

In addition, the receivership will not end until a strong administrator has been selected to head the agency, and that administrator has enlisted an experienced and competent management team. Only after these conditions are satisfied will the receivership terminate. We must emphasize that the receivership will not end unless these conditions are met and although progress is being made, there are still problems with the provision of adequate legal counsel, about which the parties are still in negotiation, and a new administrator to run the agency has not yet been identified. When such a person is identified, it is likely that the transition will still take several months.

Assuming that these conditions are satisfied, and the receivership is terminated, after the agency moves back into District control, the agency will move into a six month probationary period, during which it must show improvement on a number of child-related criteria. The Monitor will be collecting the information necessary to determine whether these improvements have taken place. Failure to demonstrate this improvement could lead to the reimposition of the receivership by the federal court.

Even after the probationary period ends, the District's child welfare system will continue to function under a far-reaching federal court order, designed to reform a child welfare system that has failed to protect this city's children for far too long. The court-ordered Monitor remains in place to report on whether the system is improving.

We welcome the desire by District of Columbia government to take responsibility for a government system so critical to the lives of the city's most vulnerable children and their families. We are, however, mindful that this city's government has not, in the past, made good on its promises to these children. We are also well aware that the District government has not, until only very recently, cooperated with the receivership that has been in charge of this agency and responsible for the city's children, and did not take the steps necessary to cooperate with the receivership and help strengthen this agency.

Since the receivership has not yet been terminated, and may continue for several more months, the agency—and the city's children—need the support of this city's political leadership now.

We hope that the city's goal in seeking an end to the receivership has not been limited to asserting its control and realizing its desire for autonomy, and that when the agency does revert to city control, District government will exercise the commitment and competence necessary to operate an adequate child welfare agency and protect the abused and neglected children of this city.

However, the neglected and abused children of this city will not be left on their own. The child welfare system will continue to function, for the foreseeable future, under the supervision of the federal court, under the careful oversight of the court-appointed Monitor, and with vigilant counsel for the children who will not hesitate, should it become necessary, to bring the District back into court, with the possibility of new federal court sanctions, should city government not make good on its commitments.

Senator DEWINE. Thank you very much. Let me thank our panel.

One of the things that we are trying to accomplish today is to get a snapshot of where the system is, and how children are being cared for today, and your opening statements, your comments, and your written testimony are certainly helpful in that regard.

I want to start my questioning, however, by asking you all some very specific questions, and I would invite anybody on the panel to respond who can respond. I think there are certain basic questions that you have to ask about any child protection system, certain things you have got to know. If you do not know these things, or if the system does not know it and the public does not know it, then we really do not know how well we are doing. It is not that these statistics tell you the total story. They do not, but I think they are a good place to start.

Let me first ask what the average length of time children are in foster care today. Does anybody know that figure, what the mean is?

Ms. MELTZER. Based on a case record we did about 1½ years ago, and which from my perspective is probably the most recent accurate data, because I do not trust the data that comes out of the information system since then, it is about 3.7 years.

Senator DEWINE. It is about 3.7.

Ms. MELTZER. Right.

Senator DEWINE. And it is significant that what you are saying is, the only statistics that we have are statistics that you have provided, really, as an outside monitoring group. In other words, there is no one on the panel who can tell me that, internally, the District of Columbia's statistics show that the average time spent in foster care is, blank, am I correct, or is that wrong?

Ms. MELTZER. That is my perception.

Senator DEWINE. That is your perception. Is there anybody else that can give me the figure?

Ms. JACKSON. You know, these information systems take a while to get accurate data, but what I have now is 3.5, which is not that great of an increase, but we are retrieving data from that system now, and we know that it is not 100 percent accurate—

Senator DEWINE. We have got everybody in the system?

Ms. JACKSON. We have 70 percent of the people in.

Senator DEWINE. Okay, so we have got 70 percent of the people—

Ms. JACKSON. Well, with good data. All of the children are in the system.

Senator DEWINE. All of the children are in the system, but only 70—so for 30 percent of the children, the data is not good for them, is that what you are telling me?

Ms. JACKSON. It is not complete.

Senator DEWINE. It is not complete. Can you break it out beyond the average, or the mean? In other words, can you tell me how many children have been in foster care longer than 3 years, how many have been in longer than 5 years, how many have been in foster care longer than 8 years, if we wanted to know that?

Ms. JACKSON. Yes. The system will give you that. I do not have that right now.

Senator DEWINE. Okay. You do not have that today. Can you supply that to me?

Ms. JACKSON. Yes, sir.

Senator DEWINE. Can you give me a breakout of, let us say, 2 years, 4 years, anything above 5 years, what percentage, because those are very relevant statistics. The average is interesting. That tells you something, but what you really want to see is, where do these kids really break out, and how many we have got there a long time.

Let me ask another question. Do you know the average age of your children in the system today? I am not trying to embarrass anybody. I am not trying to give everybody a hard time, so if you all do not know, just tell me and we will move on.

Ms. MELTZER. They have data, but that average does not tell you much.

Senator DEWINE. It does not tell you much. Let us start with that, and then you can tell me any other breakouts you have got.

Ms. MELTZER. The system can provide information on the age distribution of the children in foster care, and they should be able to provide you that.

Senator DEWINE. Okay, and you think that your system can give me that figure?

Ms. JACKSON. Yes, it can.

Senator DEWINE. Okay. We would like that, and I agree that the average is interesting, but it is probably not the most important. What you need to see is the age breakouts, what percentage are 8 years old, what percentage are 10 years old, et cetera.

Understanding that a third, 30 percent of the children do not have complete files in the system—and by the way, when do you think that will be finished? When will you be able to say that the children have completed files in the system that are retrievable?

Ms. JACKSON. 2002.

Senator DEWINE. 2002. When in 2002?

Ms. JACKSON. Early.

Senator DEWINE. Early 2002.

Ms. JACKSON. We have hired a team of people.

Senator DEWINE. Have you got enough money to do that? I mean, do you, or don't you?

Ms. JACKSON. We have enough money for this year, until 2002, yes.

Senator DEWINE. All right. Do you know what the breakout is in regard to what the plans are, the case goal plan for each child? In other words, the national statistics from the Adoption and Foster Care Analysis and Reporting System—AFCARS—would show that—just as an example, 42 percent of the children nation-wide have a goal of reunification, 19 have a goal of adoption, 7 have long-term foster care, 5 emancipation, 4 percent guardianship, and 19 percent have no goal established, at least those are the figures that I have nation-wide. Do you have comparable figures?

Ms. JACKSON. Yes. I do not have them here, but I can get them to you.

Senator DEWINE. Do you have any idea what they are?

Ms. MELTZER. I do.

Senator DEWINE. You do.

Ms. MELTZER. They provide them to me monthly. About a third of the children in this system have a goal of adoption. It is not the same pattern as the national data.

Senator DEWINE. About a third have a goal of adoption.

Ms. MELTZER. About 900 children in this system right now have a goal of adoption.

Senator DEWINE. Okay, so the total number of children is—

Ms. MELTZER. The total number of children—well, this is an interesting figure. For the last year we have been told it is between 3,100 to 3,300 children. This last month, the data coming off of the automated system is down to 2,800 children. That is a huge change. This is the first month that the data has been produced off the automated system.

Senator DEWINE. So we do not know why that is?

Ms. MELTZER. No. I still think that there are about 3,000 children in care, and the agency is trying to figure out exactly, so about a third of them have a goal of adoption.

Some significant number of them, a couple of hundred, and I can give you the exact figure, have a goal of independent living, or emancipation, and the rest have goals of either return to a parent or a relative. There are a couple of hundred children in the most recent month's data who did not have a permanency goal assigned.

Senator DEWINE. Analyze for me, then, those statistics. What does that tell you? What does that mean to a lay person, someone who is listening to this and who is not an expert and does not understand all the terms, what does that mean?

Ms. MELTZER. What it means to me is that there are still too many children in the system who have been in foster care for too long. The large number of children with the goal of adoption means that ASFA is not being implemented adequately. They need to be moved into permanent—

Senator DEWINE. The law is not being implemented.

Ms. MELTZER. Right, so—

Senator DEWINE. The law that applies to every child in this country today, basically. I mean, the overall Federal law does. We have implementing laws at the State level and the District, but Federal law applies to everything.

Ms. MELTZER. So what it suggests to me are all the problems we have been talking about in terms of adequate lawyers to move these cases, number of judges to hear these cases, and making sure about the 900 children with the goal of adoption. The agency indicates that about half of them are in homes that are willing to adopt them, so for those children the actions have to be taken to move those children and to finalize those adoptions. For the other children, there are a whole range of steps that have to be taken, including adoption recruitment.

Senator DEWINE. Now, my time is up, and I have a whole bunch, as you can imagine, more questions about statistics. I am going to flip it to you. This is a logical place I think to do it, Mary, but in regard to adoption, how does it work in the District of Columbia?

I know that in Ohio and in most States we terminate parental rights, which is a separate proceeding. Once that is done, if the system is working right, following the Federal guidelines, following what the State has, we move quickly into making that child avail-



able for adoption, and then we hope that that child is ultimately adopted.

How does it work in the District? What is the process? Is that a separate process? Do you terminate parental rights first?

Ms. JACKSON. No.

Senator DEWINE. No.

Ms. JACKSON. We have to have an adoptive place before the court will terminate parental rights in the District.

Senator DEWINE. Where else does that exist in this country? Is that a common thing?

Ms. MELTZER. No, it is not.

Senator DEWINE. It is not common.

Ms. MELTZER. The remedial order requires that rights be terminated for children with the goal of adoption within a very short period of time after the goal of adoption is established. The District has never implemented that provision of the order. The court and other people here can comment on that. The court has been reluctant, and basically what workers are told is that there have been two problems. The Office of Corporation Counsel has never brought TPR proceedings routinely for a combination of reasons.

Senator DEWINE. TPR meaning?

Ms. MELTZER. Meaning termination of parental rights.

Senator DEWINE. Sometimes I know, sometimes I do not know. I just want to make sure.

Ms. MELTZER. It has been a combination of adequate staffing and a sense that the court will not approve it unless there is an adoptive placement, and that, of course is a chicken and egg problem.

Senator DEWINE. Well, that is right. If you are an adoptive parent, you are sitting there, you have no clue whether this child is eligible for adoption or not. I mean, what in the world is going on? Why does the District do it this way? Does anybody else in this world do it this way?

Ms. GRAHAM. Not to my knowledge, Mr. DeWine.

Senator DEWINE. Well, for heaven's sake, isn't it about time the District caught up with the 21st Century—

Ms. GRAHAM. Yes.

Senator DEWINE [continuing]. And got with the program about protecting kids and getting kids adopted?

Ms. GRAHAM. Absolutely, Mr. DeWine. One of the things that we found—the Williams administration has been in place 2 years. Last year, we began to work very aggressively with this agency. So much had not been done, and actually the Adoption and Safe Families Act in the District was just passed this past February.

Senator DEWINE. Which is again a shocking thought.

Ms. GRAHAM. Absolutely.

Senator DEWINE. We passed that when? November 1997 it became law.

Ms. GRAHAM. Absolutely. It certainly did. That was one of our first findings. As we did further research into the challenges of the agencies, we found that there was no communication with the other Departments. Actually the Office of Corporation Counsel was so grossly understaffed that there was no way that it could begin to implement the requirement not only of the order but also of the Adoption and Safe Families Act.

Senator DEWINE. Let me at this point—I want to come back to this, but this is a good segue to Senator Landrieu, because Senator Landrieu is probably in Congress one of the most, if not the most foremost expert on the whole issue of adoption and has really taken a lead in this whole area, and has tremendous knowledge and great passion for this, and we apparently have a vote that is going on.

I will turn it over to Senator Landrieu at this point, and we will then break for the vote. Does anybody know if we have one or two? We have two votes, so you can relax once we leave. It is probably going to be 25 minutes until we get back, I would suspect.

Senator LANDRIEU. There are so many questions I have I do not know where to start, but I would say that at least from what I have learned this morning, the consent agreement has outlined at least five important steps that need to take, or five important foundations that should be laid down, the consolidation of the agency, the selection of a new Director, and I am most heartened to learn about the specific directive to have a senior management team.

Because even the best, most outstanding Director could be brought in, and if that Director is not given latitude to have their own senior management team, in my opinion, when you are trying to fix a situation like this, which is a serious turn-around situation—I would fall on the side of giving not only the Director and senior management team even broader latitude to hire and fire, to reorganize, and to rearrange, and I think that the Senator will agree with me that, as passionate as we are about trying to help you fix this, that it would not be in our interest to micromanage this turn-around, that what we need to do is try and get good data, good, solid measurements, and then give you all as much flexibility within what the courts will allow, and this is an additional safeguard, perhaps, to actually get this done sooner than later.

The other point I just want to make is, regardless of whether this system stays, quote, in receivership, or moves to the mayor's office, which I have great confidence and respect and regard for the Mayor, and frankly think there could be no better mayor suited to take this on, since he himself is a product of a foster care system that in his case worked for him and for his family beautifully, so I most certainly understand his passion to try to get this system to work for other children that were in his similar circumstance.

But even with his great abilities, unless we help to fashion and give him the budget and the tools and the flexibility, I am afraid, Mr. Chairman, we are going to be many, many more years, so my questions would be to all of you, what are some of the obvious barriers, even let us say this receivership moves to the Mayor, assuming we get an excellent Executive Director, a wonderful management team in place, which I think could be done, what are some of the sort of barriers that jump out at you that you think will even prevent us from making great strides quickly, and I will just ask each of you to identify one that comes to your mind, and perhaps we can direct our resources and attention there.

Ms. JACKSON. I think one of the huge barriers has to do with the court system, the fact that there are 59 judges, the fact that we have to listen to each one, the fact that the Council for Court Excellence put out a report that shows how long it takes to get these cases through the system. We have a very adversarial relationship

with the courts, and it makes it very hard to effect permanent plans for children.

Senator LANDRIEU. Just in response to that, there are a number of us, and I think Senator you actually have a bill that I am going to be joining you in helping to fashion if it is not already introduced, that is going to basically mandate that that court identify a specific number of judges, whatever we could agree would be a good number, that would focus and be permanently seated on these cases, so that the judges themselves become familiar with the cases, and with the case work team, and with the child advocates involved, so that there is more of a collaborative team effort to move some of these cases.

And just let me say for the record that I am very respectful of what the judges might think about the way the system operates. We are going to move forward with mandating this court to do this, and unless they can come up with some extraordinary reason which I cannot imagine, I think that is one of the immediate steps that needs to be taken, so in fashioning how many judges and how it should work, I would appreciate that input.

What, Judith, would you say is in your mind, even with a great Director and adequate budget, a good management team in place, which I am certain that the mayor could actually deliver, what do you think the biggest barrier is?

Ms. MELTZER. I think that recruiting and retaining a stable workforce has got to be one of the highest priority challenges for them, because even in this last year they recruited 132 workers, and then they lost 128 of them.

Senator LANDRIEU. So for the record, we successfully recruited 132 workers, and lost 128.

Ms. MELTZER. So they are back where they started from, basically, and it is a crisis.

Now, let us talk about the three reasons why, and anybody jump in, what was the number one reason for losing them, what was the number two, and what was the number three reason, in your opinions?

Ms. JACKSON. In terms of our exit interviews—in fact, we did not lose 120 of the 130.

Ms. MELTZER. Well, they are not the same people.

Ms. JACKSON. Not the same people, okay. What we get from exit interviews is poor supervision, number one.

Senator LANDRIEU. Poor supervision, not enough supervision and support.

Ms. JACKSON. Exactly. Number two, working with the courts, and the third one is just for a different experience, or a different professional experience. We hire all master-level licensed MSW's. That is what we, according to the modified final order, had to hire. Now we are looking at hiring bachelor's level.

Senator LANDRIEU. You were originally required to hire master's, but now you have had some relaxation of that?

Ms. JACKSON. Yes.

Senator LANDRIEU [continuing]. And you can take those with bachelor's degrees?

Ms. JACKSON. Yes.

Senator LANDRIEU. Let me ask this, given that number 1, according to exit interviews, was lack of proper supervision, do we have anything in our plan that allows us to fire managers that are not doing—I am not talking about senior management. I am talking about the supervisory level. Do we have any way to either give additional help and training to those managers that could use it, or ways that we can ask or require managers to leave that are not doing their job?

Ms. GRAHAM. The agency has invested in training, but this past year the city adopted the management supervisory service and that has allowed us to move mid-management into that core. We are now able to require performance plans and then, based on performance, terminate immediately, without going through the elaborate processes that one had to go through previously with the Civil Service System.

Senator LANDRIEU. Let me ask you this, in the last, maybe to be fair in the last 12 months, how many managers have been terminated for lack of performance?

Ms. GRAHAM. None has been terminated in the agency for lack of performance. This plan has just really been adopted, and is in the process of being implemented this fiscal year, so we are all monitoring our management processes very closely now.

Senator LANDRIEU. And I know I am treading on sort of the sacred cow here, because every State and city has Civil Service rules and regulations, and they can in many instances become barriers to reform, with all due respect to the Civil Service and those that work for the Government, but when you are in a crisis situation, which I would declare that this is, I think that there are some extraordinary steps that should and could be taken to get the turnaround on, and then maybe you could put the sort of old system back in place, is what I am moving towards.

I would like to explore that, not today, but to think about, and I know it is going to take negotiations between unions and agreements and everything, but I just think in a crisis just the old rules sometimes need to be lifted to get not only new management at the top, but sort of a new culture, if you would, throughout the organization, and then perhaps, and I think your good—and most all are well-intentioned, would embrace that sort of new approach, because in the long run everyone would be benefitted.

Now, let me ask this just for the record. What is the starting salary that we are able—and salary was not mentioned. I am surprised. It was not salary that was mentioned, it was supervision, courts, and—

Ms. MELTZER. I think it is just hard work and a desire to leave.

Ms. JACKSON. We have comparable salaries. The starting salary is about \$38,000.

Senator LANDRIEU. \$38,000, okay. Let me ask this, and I am going to have to leave in just a second. Could you all describe—when you say, children and out-of-home care, and in Louisiana we think of that in a foster care situation, like a substitute family, where there is a single parent, or two parents, they may have biological children of their own, and they take in one or two or three children, because ideally you want to reflect that secondary family

to be as much like a family as possible, as opposed to congregate living, or group homes, et cetera.

Can you break down in general terms the 3,000 approximate children? What percentage do you think, that are not with their biological parents, are in what you would describe, whether they are with relatives or not—you can include that, because I actually think relative care and kinship care is a very common sense place for children who cannot be with their biological, but could you just sort of outline in broad terms what percentage are in atmospheres like that, as opposed to group homes where there would be 8 or 10 or 12 children in a group setting?

Ms. MELTZER. Based on the data that—

Senator LANDRIEU. The data that you have just generally.

Ms. MELTZER. It is about 25 percent of children are in congregate care.

Senator LANDRIEU. And 75 percent are in more traditional foster homes.

Ms. MELTZER. And it is mostly—most of the children in the congregate settings are teens, although there are some young children which we are constantly trying to get them to move out of congregate care settings into family care settings, as well as a lot of the children in congregate care could be cared for with families if they were available, which leads to what I would say is the other challenge I would have put—it was hard to choose, which is the recruitment and support of foster families and adoptive families is another huge challenge for this agency going forward.

Senator LANDRIEU. How many children do you think are in congregate care?

Ms. MELTZER. I have those figures, but it is not—

Senator LANDRIEU. Just send it in.

Ms. MELTZER. Yes.

Senator LANDRIEU. And there is no barrier to foster care recruitment in the sense, we look for foster care parents in this region. We are not limited to just within the District. We have no barriers to trying to recruit foster families regionally?

Ms. JACKSON. Yes, we do.

Senator LANDRIEU. Or do you just look in the District? Go ahead.

Ms. GRAHAM. The agency did have a major barrier, the ICPC, the Interstate Compact Process for the Placement of Children had been underfunded. There were two individuals staffing that office, responsible for carrying a tremendous case load in support of about four agencies' work.

The agency moved swiftly to arrange placements in Maryland. About 60 percent of our children are in Maryland. Many of them are, indeed, in family homes, but they still require the same kind of scrutiny as the other professional foster homes, so one of the things that we have done is to move that function, beginning April 1, over to the agency for its own placement. That was a major barrier, because it was a tremendous backlog and lack of processing papers, just a complete lack of cooperation.

One of the issues, Senator Landrieu, for agencies when they go into receivership—I think the ideals that they are pursuing are wonderful, but it isolates agencies from other agencies that they need to have interactive relationships with. When we came into of-

fice we found that this agency had been completely isolated. Nothing was moving.

Senator LANDRIEU. The agency to try to identify foster homes is what you are talking about?

Ms. GRAHAM. That is exactly right. It had no real—it did what it wanted to do basically for the agency, and there was a tremendous backlog, and the agency, in order to get children placed in Maryland, just simply moved out, made its own determinations, and placed children.

We have a great working relationship with the State of Maryland, and they are working with us to bring those files up to date. The children are in, we believe, safe placements there, and there is the ongoing monitoring happening now.

This has been a major issue that has plagued the agency.

Senator LANDRIEU. So we are making progress in terms of trying to recruit foster care families regionally. We are not limited to looking for them within the District.

Ms. GRAHAM. Right.

Senator LANDRIEU. We can find families, if we try to help staff up that agency. There are many, as you know, hundreds of families willing to be foster care families, if their applications could be processed in a timely manner.

Ms. GRAHAM. Let me speak to the District, and I am going to allow my colleague here to say something.

In the District, our housing stock is quite old, and it has lead in it. The city has not offered subsidies for families to do lead abatement, which can be fairly expensive.

When the agency just recently, I think, or about a month or two ago released what was an RFP for foster homes, 50 percent of those homes came back ineligible because of lead. We have got to do a massive abatement program here in the District in order to make homes here available. Regionally we can and do recruit, but we have got a major issue here in the District.

Senator LANDRIEU. Let me ask this, and I know it is touchy, but are you suggesting that if a sister of a biological mother, a biological mother unable to care for her two children, petitioned the D.C. system to take care of those children temporarily until her sister could get it together, or maybe take the children permanently, if that sister has lead paint in the house, those children would not be allowed to go?

Ms. GRAHAM. That is exactly right.

Senator LANDRIEU. Now, I would like to just for the record explore this situation, because while I think lead paint is a serious problem, and you do not want to put people in danger, I also think that children who are traumatized, having to be moved for good reasons, need to be with relatives whenever possible, particularly if the relatives are responsible and caring and loving, particularly if there are other children in that house.

Unless you are prepared to remove every child out of every house with lead in it—which you may want to do. I do not know if we can afford to do that—then it does not seem to me that we can—I mean, there would be a question in my mind as to that, but I do not want to go into more detail, but I just raise it because we just—you know, put it this way.

I grew up in a house with nine children. My father was once the Secretary of HUD. Some people came to his office one day and said that he did not think children should be placed in homes where they did not have their own individual bedrooms. Well, he laughed and sent him out of his office, because we grew up with four kids in a bedroom our whole life, and shared one bathroom, and he said, you know, how can I put Government rules and regulations in when that is not even how it happens in my house.

So sometimes in our efforts to do the best, we overlook some of the simple things. These kids need to try to be first with responsible relatives, and if we cannot find responsible relatives, then we go and place them in the most family-like setting possible for a short time until we can determine—so I will revisit this lead paint issue with you all, and I have just got to go vote, so let us take a break for maybe 10 minutes.

Senator DeWine may be back before I do, but let us take a break—and does the staff know how long we are going to go? Until 1:00, probably another round of questions until 1:00, so thank you, and I know you all could use a break, too.

We will resume the hearing.

Let me just direct the first question to you. You state that the Child and Family Service Agency is still not functioning as an agency that can provide appropriate care and protection for children. You go on to state that the consent order moving the agency out of receivership does remedy many of the problems that impede the provision of services to children.

In your opinion, what more needs to be done to ensure that children are protected, and adequately cared for? That is an open-ended question that maybe will give you the opportunity to spell out for us in more detail than you did in your 5 minutes that we initially gave you.

Mr. THOMPSON. Thank you, Mr. Chairman. What I will do is echo one of the points that was made a bit earlier by the deputy mayor, which is that the agency became very isolated during the receivership. I think it was clearly difficult to get any cooperation with other District agencies who had responsibilities for some of the functions that were related to providing adequate services or protecting children, and I touch upon some of those in my written submission.

But the one that comes most clearly to mind in the context of the *Brianna Blackman* case and some of the other cases that have been cited is the relationship with Corporation Counsel. Unfortunately, there is one. There has been a severe staffing shortage for representation, particularly to this agency, but also there was a real lack of any communication, whether it was between social workers who were going into court without adequate preparation, and then were not able to be adequately represented on a legal basis on actual abuse and neglect petitions, or petitions to terminate parental rights.

But also the agency as a whole did not have an ability to get on a daily basis legal advice that would enable the agency to determine whether a court order that was entered, which the agency was disputing or did not think was an appropriate order to be entered, could be appealed, for example.

There was in all aspects no ability for the agency to appeal any of these orders, and one of the unfortunate consequences of the *Brianna Blackman* case is that the agency received an order from the court to return this child, and instead of aggressively questioning that order and seeking legal counsel, going back into court and at least seeking to revisit the issue before the judge, who had not even held a hearing on it, and then if unsuccessful appealing the order, nothing of the sort was done because it just was not part of the process that was in place.

Clearly, as part of the agreement, this consent order, there is a specific requirement for adequate legal staffing at Corporation Counsel. I think I highlight the fact that in next year's budget submission from the District there certainly will have to be a very significant increase in the budget for the Office of Corporation Counsel to be able to meet the ASFA requirements which are not being met right now.

So that is a process that unfortunately is only now being negotiated with the District, and we have not come on a final number of additional attorneys, but certainly everybody recognizes and should have recognized years ago that the Office of Corporation Counsel is grossly understaffed and cannot adequately represent this agency. That is a fundamental necessity here, and a roadblock to getting these children to move forward through the legal process.

Senator DEWINE. Do you feel comfortable that there are the additional funds now set aside to do this, and the process is in place to get this done?

Mr. THOMPSON. Well, as an interim measure, the receiver has actually made available \$1 million out of its budget to fund the immediate hiring of a number of Corporation Counsel attorneys. Now, it remains to be seen whether the amount that is proposed for fiscal year 2002 is adequate, in fact, to meet all the requirements. There really has not yet been a full, detailed staffing study of what the actual need is.

Certainly this is a step in the right direction. Corporation Counsel and the District have acknowledged and committed to providing additional attorneys. It is an open question as to whether the numbers that are being considered are going to be adequate to the task. There is an enormous backlog in petitions to terminate the parental rights that need to be filed.

Senator DEWINE. How many people work full time now on this, as far as lawyers? How many are assigned full-time to deal with this?

Mr. THOMPSON. Well, I defer to my colleagues.

Senator DEWINE. Does anybody know, on the panel?

Ms. JACKSON. They tell us that they are only able to handle 20 percent of our cases.

Senator DEWINE. They are only able to handle 20 percent of your cases, meaning, what do you rely on them to do?

Ms. JACKSON. Well, to represent us—

Senator DEWINE. In court?

Ms. JACKSON [continuing]. And to be in court with us, yes.

Senator DEWINE. So in only 20 percent of the cases do you have counsel with you in court.

Ms. JACKSON. Yes, Corporation Counsel.



Senator DEWINE. And what are the plans to hire additional lawyers and how will the District ensure that there is that close working relationship between the counsel and the case worker, whoever is involved?

For example, in Ohio what they do is, or in some cities, they literally, physically put them in the same building. They are right there. You just go see them. They are there.

Ms. JACKSON. We have a plan that Mr. Rigsby, who is the head of the Corporation Counsel, submitted to us, particularly for the \$1 million, that we are transferring, so we should be getting attorneys, paralegals, and additional staff to represent us. Most of them will be colocated in our building, so that they will be accessible to the workers to help them prepare for court and to represent them in court.

Senator DEWINE. What is the goal as far as your representation? You cited the figure that in only one-fifth of the cases do you have counsel. How many cases do you need counsel? Do you need them 100 percent, do you need them in 50 percent? I mean, it is one thing to have a full-fledged trial, when you are presenting evidence. You clearly need counsel there. It might be something else in another hearing that you might not need counsel. I do not know. What is the goal here?

Ms. JACKSON. The goal is to have representation really when we need it. It is my experience that when the agency has its own representation a lot of things are worked out. The lawyers work out and a lot of cases you do not even have to go to court.

Senator DEWINE. Sure.

Ms. JACKSON. So it would really help how we work with the Superior Court. I think it will limit the number of cases. It would help the time frames that we need, and we do need agency representation.

Ms. GRAHAM. Mr. DeWine, there are 16 attorneys in Corporation Counsel assigned to the agency that work on these issues.

Senator DEWINE. So you have 16 full-time people?

Ms. GRAHAM. Full-time attorneys working on these issues.

The goal is to hire between 25 and 30. In the 2002 budget the mayor is requesting \$1.9 million to fund that attorney corps for the agency.

Ms. MELTZER. I am concerned that the \$1.9 million may not be enough. I think it needs some close analysis, because the \$1 million that they are transferring this year is only for half of the year, and it was supposed to be for the startup group of attorneys with the understanding that an additional increment would come on next year, plus the funding for all of the ones that were started with this money. The first time I had seen the \$1.9 million is in your testimony today. I think that bears some close looking at, because I do not think it is going to be sufficient to meet the needs.

Senator DEWINE. Well, I think that certainly needs to be looked at, and you also have the whole issue of how this is implemented, how you recruit these lawyers. These are things we do not have to go into today, but we all know from a practical point of view that is a lot of lawyers to get on very quickly. That is certainly going to be a challenge.

Let me ask about another issue, and that is the issue of guardian ad litem. How is that worked in the District? How is that working? If we look at the *Brianna* case, we have got a horror story there that includes the guardian ad litem failure.

Ms. MELTZER. I am not sure I understand the legal underpinnings of it, but the guardian ad litem are private counsel that are paid through an office of the Superior Court called the Counsel for Child Abuse and Neglect, and they recruit people for this job, and they train them. My experience is that there is wide variability in the quality and consistency of the services offered by these lawyers. I know there was an effort early last year where the court was trying to develop practice standards that they would impose on people that were assigned as guardian ad litem. I believe that got stalled and has not actually gone forward.

Senator DEWINE. Well, we need to look at that, I think, as well.

The related issue of the case representation, how does that work in the District? I know in some counties and some States, in some jurisdictions it works very well. In some they are hardly there at all. How is it in the District, does anyone know?

Ms. GRAHAM. I would suggest that it is hardly there at all, primarily because of resources. We do have an infrastructure and a very dedicated team of volunteers, but they have constantly not had the resources. We recently, or are in the process of transferring some funding over to them because we support their work. It really needs to be an integral part of the system.

Senator DEWINE. It seems to me this would be a logical place for a foundation or some private money to become involved. I mean, in some jurisdictions you have private resources involved that work on that to help. Of course, then you obviously have the issue of finding the people to do it. You have got to find the people who are willing to spend the time to do that.

Let me get back to some other kind of snapshot questions. Let me ask about the training of social workers and where we are in regard to that, and if anyone can give me any statistics in regard to a snapshot of these people who are out there dealing with these kids every day. How long have they been with you, how many years experience they have on the average, what is their educational background. You did talk about that, I believe a master's, but what additional training do they get once they start? Do you want to give me some statistics on that?

Ms. JACKSON. Yes. Our training contract is with the Virginia Commonwealth University. When we came, there was no training, or a training program, but we were able to do an RFP and get Virginia to come in using Howard and Catholic to train our staffs, so they are located in our building, and they provide the training.

Now, they do some 110 days of training a year, with 50 new courses. Because they are all master social workers with licenses, they try to make the training appropriate. Most of our social workers are new, our new master's level. Most of them I would say do not have a lot of experience, but we do have a core in the agency of social workers who have experience.

Senator DEWINE. I know Senator Landrieu got into this a little bit in her questioning as well. In addition to the other questions I would like for you to respond to, we can either do it orally or in

writing, but I would like the profile, if you could give me the profile, particularly of the experience level, how many years experience in this field, actually in the field working, what you average.

Ms. JACKSON. I would like to give you that in writing.

Senator DEWINE. That would be fine. Let me talk for a minute, or ask questions in regard to the training of foster care parents, and what you do in that regard.

Ms. JACKSON. We have regular training that goes with new foster parents, but we also have in-service training. We average about 30 foster parents attending that each month. I think there are probably around 16 courses that are provided.

Senator DEWINE. What is the minimum, or is there a minimum? I want to be a foster parent. What happens?

Ms. MELTZER. The modified final order requires that the pre-service training for foster parents be a minimum of 30 hours of training. The agency has been using the MAP curriculum, which is a fairly recognized curriculum for pre-service training for foster parents.

The order also requires that there be a minimum of 15 hours of in-service training a year for every foster parent, and that that be actually tracked and monitored according to the needs of the foster parent.

Senator DEWINE. Is that taking place?

Ms. MELTZER. What they have recently just begun is offering some courses, but from the standpoint of complying with the requirement that every foster parent knows that they have to do 15 hours and gets 15 hours, my current assessment is no, it is not where it needs to be.

Senator DEWINE. Let me ask another kind of snapshot question, and that has to do with case load. What can you tell me about that? What is the average case load, or what is the range—both?

Ms. MELTZER. We get case load figures monthly from the agency, and they are not very helpful because the range is quite large, so that in one unit, which is Family Services, they are pretty close, or they have been pretty close to complying.

Senator DEWINE. Family Services would do what?

Ms. MELTZER. Those would be service to children and families where there has been a substantiated neglect, but the children are still at home, so in those units case loads have been running anywhere from 12 to 15 cases per worker, which is a family.

Senator DEWINE. Which is acceptable.

Ms. MELTZER. Right, which is acceptable. When you go over on the foster care side, you have huge variability, so you will have some workers with case loads that are 15, 16, some workers with case loads of 50, and some uncovered—well, not technically uncovered, because what happens is, they do not have a social worker assigned, but a supervisor or somebody else is filling in.

Senator DEWINE. Why would you have such a variation with people who are doing basically the same work, or are they doing the same work?

Ms. JACKSON. No.

Senator DEWINE. They are not doing the same work. Let us take foster care, for example.

Ms. JACKSON. Foster care is a very difficult service right now, and so a lot of workers ought not to go to foster care, ought to get out of there after a period of time, so the degree of difficulty has a lot to do with the staffing patterns in those services.

They are perceived as more difficult, and the teen services are even more difficult, so we have a very difficult time keeping our foster care staffed up. What we have done to address that is to give foster care cases to Family Services workers, and some of the areas in the agency where we have lower case loads, we are just giving them a few foster care cases to help out.

Senator DEWINE. So a case worker might have 12 or 13 cases in regard to neglect cases, for example, where the child is still in the home, and they might have three or four foster care——

Ms. JACKSON. That is what we are doing currently, yes.

Senator DEWINE. So it is hard to compare the statistics, because you are comparing apples and oranges to some extent.

Ms. JACKSON. We know how many children are placed in our home placement, but we just have had to move them to different workers when people leave. We hired 19 social workers yesterday. This is a good time for hiring social workers because the schools are graduating social workers.

Senator DEWINE. Sure.

Ms. JACKSON. So what has happened is, we staffed up this summer, and we will begin to look at that, but I think the ultimate goal for the new Director would probably be to make more generic case loads, because you cannot have this imbalance where you feel punished if you have to work with these children all the time, run-aways, and the more difficult child.

Senator DEWINE. In foster care.

Ms. JACKSON. In foster care, and then you feel like, if you are working with families you feel less stressful, or if you are working an adoption.

Senator DEWINE. So one of the issues is, you do have quite a variation in a case load.

Ms. JACKSON. Yes.

Senator DEWINE. It is huge, and you said one person could have 50 different families to deal with.

Ms. JACKSON. Children.

Senator DEWINE. Children in that home, right. They are dealing with 50 kids who are in foster care. Each one is in a home somewhere, so 50 kids.

Ms. MELTZER. My last estimate from the last data that I received, there are 50 vacancies, 50 line social worker vacancies in the agency.

Senator DEWINE. The last figure that I saw is either last year or the year before. You got a whole bunch of new people in, you lost a whole bunch of people. You were basically treading water, the last figures I saw.

Ms. JACKSON. We have 375 social worker positions, master's level social worker positions. We have probably 59 vacancies, but yesterday I hired 19, so that cuts that down, and we will have no problem—what we have got to really work on is how to retain, the retention issues.

Senator DEWINE. Well, I am very curious to know about your retention. Can you get me some statistics on that?

Ms. JACKSON. I will.

Senator DEWINE. It would be pretty easy to give you a statistic that said, the average length of service with the District of the people who you have, the 300-and-some people you have working today, what is it, what is the range? Those would be statistics that I assume are not very hard to get. It would tell you something about your turnover.

Ms. JACKSON. The turnover, yes. We can get a rate for you.

Senator DEWINE. Let us go through this again, then. What is the goal? How are you going to deal with the turnover? You are always going to have turnover, and it is a tough business, we understand that, but what are you going to do to have some consistency?

It is a problem for two reasons, obviously, to state the obvious. One is experience level, and if you are always dealing with people who have got less than 2 years of practical experience, you have got a problem, the system has got a problem.

The other problem is continuity. If you have a tremendous turnover, every family, every child is being jerked around from one case worker to another case worker—to state the obvious, these are problems. What is the plan to deal with this turnover issue?

Ms. GRAHAM. Mr. DeWine, we recently just a week or so ago introduced legislation for retention incentive and signing bonuses for new workers coming on board, so those are preliminary steps that have been taken. We are asking the candidates who we are interviewing for the directorship questions having to do with the retention strategies, proven, known about, and those that they themselves have, in fact, implemented, so that is an area of great focus.

I believe that with the right legal support that we have got to put in place to support these workers when they go into court, and the other kinds of supports, moving the transformation or reformation in the courts that will allow these cases to move quickly through the system, those are the kinds of things that will ensure that we are able to augment and retain a good workforce in the system.

Right now, these workers are pretty exposed when they go into court, and often go in unrepresented, and not certain of who the lawyers are there to represent, whether they are representing the LaShawn case that many of them feel they are still arguing, or whether they are representing the agency itself, and so these are young workers, many of them, coming out of graduate school, and feel very exposed in that environment. We have got to support them.

Senator DEWINE. It just seems to me that in this whole area, that continuity and consistency is certainly something that is very, very important, and I think not only important to get more lawyers, but you have to make sure that those lawyers have time to talk to the case worker more than 2 minutes before they walk into court.

It is a perennial problem that anybody who has practiced law has had, or anybody who has been a case worker has had. There is never enough time, but if you are going to have that assurance that you are talking about, it is clear that there has to be enough

time, which is a function of numbers, and there is some continuity in the relationship between that case worker and that individual lawyer.

I would say, frankly, it is also important that there be continuity in the type of case that the judge deals with, which is the reason that I believe we have to have a family court system, and that the District absolutely has to move to this, and has to move to it I think very, very quickly. I think one thing is related to the other, and that shifting around and handing cases off and handing kids off throughout the system has to be absolutely minimized, certainly as much as possible.

You have cited some statistics about the increase in adoptions. I want to make sure I understood what your testimony was about—which is where we left off before I went to vote—having to do with the fact the District only goes through an adoption and at the same time they simultaneously apparently are filing the motion to terminate parental rights, and you do not do it that way.

Tell me what the plans are to change that. Are there plans to change that? When are we going to see that changed, do we know?

Ms. MELTZER. I do not know the answer to that.

Senator DEWINE. I have got to ask somebody else? Okay, we will, because I just do not see how you ever do what you need to do. I know your adoption figures are up, but I do not know how you ever do what you need to do unless you do what everybody else does, which is make a decision when you are going to terminate the parental rights. You terminate the parental rights, and then the child is eligible for adoption, and then you can move aggressively.

Ms. MELTZER. These additional lawyers that the Office of Corporation Counsel is hiring, some number of them are supposed to be in a TPR unit. Conceptually they are now making the commitment that they will file, that they will do this work, but one of the issues that we have been negotiating is whether that number is sufficient to deal with both the backlog of cases as well as new children being newly identified, so that is why that is still an outstanding issue in terms of the adequacy of the staffing.

Ms. GRAHAM. Mr. DeWine, let me say that the Office of Corporation Counsel is currently under the close supervision of the City Administrator, Mr. John Koskinen, who has looked at the Appleseed report that was done assessing that particular function in Government. Indeed, the report does identify a number of issues that the office must deal with, and this whole issue of the termination of parental rights in a timely manner will be focused on.

I will indeed talk to Mr. Koskinen as soon as I get back about this and the committee's interest in this, and the need to do this as a part of just best practice in this area.

#### ADDITIONAL COMMITTEE QUESTIONS

Senator DEWINE. Well, because of the lateness of the hour, I am going to stop at this point. I will submit some written questions for you all, and who should those be submitted to?

Ms. GRAHAM. I will take them.

Senator DEWINE. We will submit them to you, and we appreciate it very much.

I believe that the child protection system in the District of Columbia should be a model for the Nation, and I think that is what our goal should be. Clearly, it is not a model for the Nation. Clearly, it has huge problems. Clearly, there is some progress being made, but the progress that is being made, at least for this impatient person, is not fast enough. I suspect there is no one in this room who thinks it is fast enough. We want to make sure that we do what we can do from this committee's point of view and the subcommittee's point of view to be of assistance.

If that assistance is sometimes prodding and using the bully pulpit of the Senate to talk about these issues, I am not adverse to doing that, and I will do that. If it is a question of trying to highlight where the resources need to be put, we will do that as well, but I intend to continue to spend a lot of time on this, my own time and my staff's time.

[The following questions were not asked at the hearing, but were submitted to the witnesses for response subsequent to the hearing:]

#### QUESTIONS SUBMITTED TO CAROLYN N. GRAHAM

#### QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

*Question.* You testified that the District has drafted and is hoping to publish regulations for foster and group homes. In its study released this year, the Government Accounting Office found that despite orders, regulations and recommendations to the contrary, that there are still a significant number of children, particularly children under 6, are in group or un-licensed homes. Can you identify for me if and how these regulations address these concerns?

*Answer.* The District has drafted regulations governing the licensing and monitoring of foster and group homes. These regulations will be published for the formal 30-day public comment period within the next month.

The foster home regulations provide detailed requirements that foster homes and foster parents must meet in order to be licensed. Below is a selected list of issues covered in these regulations:

- foster parent qualifications, characteristics and background (age, health, maturity, etc.);
- criminal records and child protection register checks;
- foster parent responsibilities (provide supervision, be sensitive to the child, participate in case planning, participate in training, etc.);
- agency responsibility to foster parents (provide adequate information to foster parent about child, include foster parent in case planning, etc.);
- foster home capacity (limits on number of children in foster homes);
- general physical environment of foster homes (fire, safety, health, etc. requirements);
- health care, education and transportation of foster children;
- foster parent training; and
- approval and re-evaluation of foster homes.

Similarly, the group home regulations provide detailed requirements that group home providers must meet in order to be licensed. Below is a selected list of issues covered in these regulations:

- required staff qualifications (educational background);
- criminal records and child protection register checks for staff;
- personnel policies;
- general physical environment of group home (fire, safety, health, etc.);
- health, education, transportation, mental health and other services for children in group homes; and
- initial licensure and re-evaluation of group homes.

These regulations will provide an important framework for ensuring the quality of foster and group home placements for children as the City moves forward to reform and improve the child welfare system. However, these regulations will not, in and of themselves, address the problems of children placed in unlicensed facilities and children under the age of six placed in group care. These problems occur due to a variety of factors including delays in processing ICPC (Interstate Compact on

the Placement of Children) agreements, delays in lead paint inspections and lack of adequate numbers of placements for children.

There are a significant number of older homes in the District that have lead paint and are thus not appropriate for younger children. CFSA is working to expedite lead paint inspections by contracting directly for these services. Ideally, we would like to establish a fund in order to provide families with small grants (approximately \$3,000–\$5,000) for lead paint abatement.

CFSA is also spearheading a process to recruit more foster homes through the My Community, My Children initiative that is funded by the Annie E. Casey Foundation. As an adopted child himself, foster and adoptive parent recruitment has been an area of focus for the Mayor; thus, he created the Bring Our Children Home Campaign, which is a public education effort about the need for foster and adoptive parents. The recruitment of more foster and adoptive homes will continue to be a priority for the Mayor. This Administration will work closely with community and faith-based organizations to increase the number of placement resources for children in foster care.

*Question.* One provision of the Emergency Plan is to transfer the responsibilities under the Interstate Compact on the Placement of Children from the federal Department of Health and Human Services to the CFSA. When you say that staff is currently being trained to handle this new responsibility, which staff are you referring to? How does this transfer comport with your current struggles with staffing shortages and overburdened case loads?

*Answer.* To clarify, the transfer of responsibilities for ICPC is from the District of Columbia's Department of Human Services (DHS) to the Child and Family Services Agency, NOT from the federal Department of Health and Human Services. Currently, CFSA staff—three staff and a supervisor—are being trained to handle the ICPC function. CFSA will assume this function on April 1, 2001.

It should be noted that the ICPC function does not require licensed social workers. The staffing shortages discussed at the hearing are most prominent in the agency's foster care unit—the unit that manages the cases of children in foster care. To address staffing shortages, the Mayor and the City Council have approved a plan to provide hiring incentives and relocation allowances for staff recruited from outside the District. Current agency staff that recruit and refer new staff will also receive bonuses. In addition, a plan has been developed to utilize BSWs in certain social work functions previously performed only by MSWs. It is expected that the Monitor and the plaintiffs will approve this plan. The hiring of BSWs to serve some social work functions will reduce the staffing shortages.

*Question.* I want to commend you for your work on what you call a system of “neighborhood places”. Many experts believe that the key to providing more effective services to children and families lies in the ability to integrate these services across agency lines. Can you identify for me specific steps that have been taken to move in this direction?

*Answer.* The Mayor has issued a paper on the Neighborhood Places concept, which is included in his 2001–2002 Policy Agenda. This document lays out a vision for an integrated human services system with a single point of entry—rather than having to access six different agencies to get needed services. Work to implement this concept is proceeding on a few fronts. We are currently working with a private contractor to conduct an assessment of all our social services programs and develop a prototype to align these services. This work will ultimately lead to the creation of a centralized intake system—one place where a resident can get information and apply for benefits and services in all health and social services programs. The notion is that these centralized intake systems will be located at Neighborhood Places.

We are also developing the Safe Passages Information System which will combine data from all the agencies in the District that serve children—child welfare, juvenile justice, mental health, schools, health, etc. This system will provide a comprehensive picture of all services provided to children and youth and will support and promote coordinated case management across agencies. We will need certain federal agency exemptions, e.g., HCFA, Department of Education, etc., in order to link these databases at the local level. I would welcome the opportunity to talk with you and your staff further about this piece because it is so critical to tracking the health and safety of our children and facilitating early intervention. This information system will support our work as we increase the types of services provided in neighborhoods.



## QUESTIONS SUBMITTED TO SONDR A JACKSON

## QUESTIONS SUBMITTED BY SENATOR MIKE DEWINE

*Question.* Please provide a breakdown by age of where children in the DC foster care system are currently placed. (In other words, where are children less than one year of age, for example, placed?)

*Answer.* See the attached report "Children Currently in Foster Care by Age and Placement Type" (APPA 14051-1) that shows 2,723 children who are currently placed as of April 18, 2001.

## CHILDREN CURRENTLY IN FOSTER CARE BY AGE AND PLACEMENT TYPE AS OF APRIL 18, 2001

Placement Type	Age In Years							Total
	0-2	3-4	5-7	8-12	13-15	16-17	18+	
Adolescent & Pre-Natal .....	1	0	0	0	0	1	0	2
Correctional Facility/Non-Paid .....	0	0	0	0	0	1	0	1
Hospital .....	0	0	0	2	0	2	2	6
Independent Living Group Home .....	0	0	0	0	0	4	100	104
Kinship Foster Care .....	9	33	79	191	84	43	38	477
Kinship Unlicensed (Non-Paid) .....	0	3	3	3	0	0	0	9
Medically Fragile & Mental Retardation ....	1	0	6	20	14	4	9	54
Non-Relative Unlicensed (Non-Paid) .....	0	0	0	2	1	0	0	3
Pre-Finalized Adoptive Family .....	8	4	8	3	2	2	0	27
Proctor Foster Care .....	0	0	0	0	1	1	3	5
Psychiatric Hospital .....	0	0	0	0	0	1	0	1
Refugee Minor Foster Family .....	0	0	0	4	2	3	5	14
Residential Treatment Facility .....	0	0	3	10	36	37	28	114
Specialized Infant Care .....	31	26	31	19	7	0	0	114
Teen Mothers Group Home .....	2	0	2	0	2	3	24	33
Therapeutic Foster Family .....	0	6	35	160	86	63	53	403
Traditional Foster Family .....	98	145	274	411	130	53	77	1188
Traditional Group Home .....	3	4	5	18	50	50	38	168
Total .....	153	221	446	843	415	268	377	2,723

*Question.* What are the case goals for children in the DC foster care system? (What percentages of these children between the age of 12 and 18, for example have a goal of independent living?)

*Answer.* See attached report "Children Currently in Foster Care by Age and Permanency Goal" (APPA 14051-2): Although the following permanency goals (Family Stabilization, Legal Custody, Relative Placement and Independence) are currently allowed to be selected in the system, steps are underway to close them out and map them to other goals that closely comply with permanency goals as described by the Adoption and Foster Care Data Analysis System (AFCARS) regulations. Of the 2,723 children identified, 495 are recorded in the system without permanency goals. The Agency has prepared a listing of these children to be distributed to management for staff to update the records. As previously stated, the records counted with "No Goal" are being identified so staff can update the records appropriately.



## CHILDREN IN THE SYSTEM

*Question.* How many children currently in Foster care have been in the system longer than 3 years; longer than 5 years, and longer than 8 years?

*Answer.* See attached report, "Children Currently In Foster Care by Age and Number of Years Receiving Services (APPA 14051-3). The total number of children in the system longer than 3 years is 1,581 while the number of children in care longer than 5 years is 998 and the number of children in care longer than 8 years is 513. This information is detailed in the attached report and includes the number of children in care less than 3 years. In addition, three (3) individuals were excluded from this count (2,720) due to incorrect birth dates recorded in the system. Their calculated ages were less than the number of years receiving services.

CHILDREN CURRENTLY IN FOSTER CARE BY AGE AND NUMBER OF YEARS RECEIVING SERVICES  
AS OF APRIL 18, 2001

Years Receiving Services	Age In Years							Total
	0-2	3-4	5-7	8-12	13-15	16-17	18+	
0-0.9 years .....	83	40	67	108	48	27	16	389
1-1.9 years .....	55	55	77	126	53	30	27	423
2-2.9 years .....	9	63	72	108	38	20	17	327
3-4.9 years .....	0	61	147	172	92	47	64	583
5-7.9 years .....	0	0	79	203	67	48	88	485
8+ years .....	0	0	0	128	121	90	174	513
Total .....	147	219	442	845	419	262	386	2,720

*Question.* What is the average number of different homes a child is placed while in the foster care system? (Please provide a comparison by age: In other words, are school age children placed in more or less foster homes than pre-school age children)

*Answer.* See attached report "Number of Placements and Average Number of Placements by Age from October 01, 1999 to April 17, 2001" (APPA 14051-4) that shows the number of placements and the number of children (by age) who had continuous placements during the report period. This total includes an unduplicated count of children who exited care during this period. The total placements for each age group divided by the total number of children in the specified age grouping was calculated to provide the average number of placements for each age group.

NUMBER OF PLACEMENTS AND AVERAGE NUMBER OF PLACEMENTS BY AGE FROM OCTOBER  
01,1999 TO APRIL 18, 2001

Number of Continuous Placements	Age In Years							Total
	0-2	3-4	5-7	8-12	13-15	16-17	18+	
1 .....	176	236	442	793	319	191	238	2,395
2 .....	30	67	146	206	109	68	127	753
3 .....	3	20	50	65	27	21	34	220
4 .....	2	3	11	27	17	4	17	81
5 .....	0	1	6	18	9	1	2	37
6+ .....	1	1	3	17	4	5	1	32
Total .....	212	328	658	1,126	485	290	419	3,518
Average Number of Placements .....	1.22	1.38	1.49	1.53	1.56	1.53	1.63	.....

*Question.* What is the average duration of time that children are in foster homes? (Please provide a comparison by age: in other words do younger children typically live with the same foster family for a longer or shorter duration of time than teenagers?) Please provide data on the age distribution of children currently in foster care.

*Answer.* See attached report "Length and Average Duration of Time in Foster Homes by Age" (APPA 14051-5) that details the years a child resides in a foster home by age. Foster Homes are defined as Therapeutic Foster Family, Traditional Foster Family Kinship Foster Family (Paid), and Proctor Foster Care.

LENGTH AND AVERAGE DURATION OF TIME IN FOSTER HOMES <sup>1</sup> BY AGE AS OF APRIL 18, 2001

Length of Time in Placement	Age In Years							Total
	0-2	3-4	5-7	8-12	13-15	16-17	18+	
0-0.9 years .....	78	77	160	320	155	106	91	987
1-1.9 years .....	36	69	99	240	96	56	68	664
2-2.9 years .....	3	45	81	157	64	32	44	426
3-4.9 years .....	0	37	116	162	84	39	67	505
5-7.9 years .....	0	0	38	132	53	44	68	335
8+ years .....	0	0	0	39	48	44	91	222
Total .....	115	208	423	810	376	234	347	2,513
Average Duration of Time in Foster Home in Years .....	0.73	1.64	2.13	2.53	3.00	3.44	4.62	

<sup>1</sup> Foster homes are Therapeutic Foster Family, Traditional Foster Family, Kinship Foster Care and Proctor Foster Care.

**Question.** Once the goal of adoption is established, what is the average duration of time that children are in care before being placed in a pre-adoptive home?

**Answer.** We have 931 children in foster care with the goal of adoption. The average number of years children are in care before being placed in a pre-adoptive home is 1.39 years while the average number of years children are in care awaiting pre-adoptive homes is 1.82 years. The two charts below provide details of the average number of years for children who are currently in pre-adoptive homes and those with the goal of adoption but have not yet been placed in a pre-adoptive home. Of the total number of children with the goal of adoption, twenty-eight percent (28 percent) are currently in pre-adoptive homes as detailed in Chart 6.1 below. The remaining seventy-two percent (72 percent) are awaiting placement in pre-adoptive homes as detailed in Chart 6.2 below.

## CHART 6.1.—CHILDREN IN PRE-ADOPTIVE HOMES

[Average Number of Years = 1.39]

Time from Adoption Goal is established to child being placed in Pre-Adoptive Placement	Number of Children	Percentage of Children
0-3 months .....	46	17.49
3-6 months .....	40	15.21
6-9 months .....	30	11.41
9-12 months .....	25	9.51
1-2 years .....	55	20.91
2-3 years .....	34	12.93
3-4 years .....	17	6.46
More than 4 years .....	16	6.08
Total .....	263	100.00

## CHART 6.2.—CHILDREN AWAITING PRE-ADOPTIVE HOMES

[Average Number of Years = 1.82]

Time from Adoption Goal is established to child being placed in Pre-Adoptive Placement	Number of Children	Percentage of Children
0-3 months .....	83	12.43
3-6 months .....	75	11.23
6-9 months .....	73	10.93
9-12 months .....	59	8.83
1-2 years .....	158	23.65
2-3 years .....	94	14.07
3-4 years .....	47	7.04

CHART 6.2.—CHILDREN AWAITING PRE-ADOPTIVE HOMES—Continued

[Average Number of Years = 1.82]

Time from Adoption Goal is established to child being placed in Pre-Adoptive Placement	Number of Children	Percentage of Children
More than 4 years .....	79	11.83
Total .....	668	100.00

*Question.* Once the goal of adoption is established, what is the average duration of time that children are in the foster care system before the adoption is finalized?

*Answer.* There were 343 finalized adoptions during fiscal year 2000. The Average Length of Time Between Establishing Goal of Adoption and Adoption Finalization is 1.7 years and indicated in the chart below. (Based on Children Whose Adoptions Were Finalized in Fiscal Year 2000)

[Average Number of Years = 1.7]

Time from Adoption Goal is established to child being placed in Pre-Adoptive Placement	Number of Children	Percentage of Children
0–3 months .....	87	25
3–6 months .....	12	3
6–9 months .....	19	6
9–12 months .....	23	7
1–2 years .....	75	22
2–3 years .....	55	16
3–4 years .....	34	10
More than 4 years .....	38	11
Total .....	343	100

*Question.* What percentages of children who are identified as having a goal of adoption have had parents' rights terminated (TPR)?

*Answer.* The percentage of children with a goal of adoption who have had parents' rights terminated is seventy-three percent (73 percent).

## Chart 8.1

Number of Children With Goal of Adoption and Both Parents' Rights Terminated .....	681
Total Number of Children With Goal of Adoption .....	932

*Question.* How many foster children are currently placed in homes without properly licensed foster parents?

*Answer.* Children Currently Placed in Foster Homes Without Valid Permits or Licenses. The Agency is currently hiring additional staff to process Foster Home Licensing after Licensing Authority becomes the full responsibility of the CFSA.

## Chart 9.1

Number Of Children .....	895
Number Of Facilities .....	529

## CASEWORKERS/SOCIAL WORKERS

*Question.* What is the average length of time most caseworkers/social workers stay with CFSA?

*Answer.* Of the 248 caseworkers currently employed, the longest service period is thirty four (34) years, and the shortest is that of the most recent appointee whose entrance on duty date was April 2, 2001.

*Question.* What is the range most caseworkers/social workers stay with CFSA?

*Answer.* Information was compiled for 100 employees who separated during the period of July 22, 1999 through a projected resignation effective April 20, 2001. The range for the length of stay was three (3) months to nine (9) years.

*Question.* How many years of prior experience as a caseworker or social worker did most caseworkers/social workers have when they started working at CFSA?

*Answer.* Using the social worker selection criteria, it may be possible to extrapolate the information requested from the agency's current social work staff. For example, CFSA hires social workers as follows:

*DS-9 grade level.*—Recent graduates of an accredited school of social work who are licensed graduate social workers (LGSW) and either have no professional experience or less than one year of professional experience.

*DS-11 grade level.*—Social Workers with a minimum of one year of professional experience at the LGSW level.

*DS-12 grade level.*—Social Workers who are Licensed Independent Clinical Social Workers (LICSW). To obtain the LICSW, a social worker must have approximately three years of professional work experience.

Based on the agency's selection criteria and its present workforce of forty-two (42) social workers at the grade 9 level, one hundred forty-five (145) at grade 11 and sixty-one (61) at grade twelve (12), the data supports a finding that most of the social workers hired at CFSA have at least one year of prior professional social work experience in a case carrying capacity.

*Question.* What is the retention rate for caseworkers/social workers at CFSA?

*Answer.* During fiscal year 2000, CFSA experienced an attrition rate of twenty-seven and one-half percent (27.5 percent).

*Question.* Please provide a breakdown of the reasons why social workers/caseworkers left CFSA in the past five years. (For example, what percentage of social workers cited poor supervision?)

*Answer.* The primary reason cited for leaving CFSA was job opportunity/career change. For a detailed breakdown, please see the attached Exit Interview Report and the accompanying Social Work Staff Exit Report Key.

#### SOCIAL WORK STAFF EXIT REPORT KEY

##### *Reason for Leaving Codes*

- I—No Reason Provided
- II—Terminated During Probationary Period
- III—Job Opportunity/Career Change
- IV—Transfer to Another DC Agency (DCPS, etc.)
- V—High Caseload
- VI—Poor Supervision/Management Issues
- VII—Stressed/Overwhelmed
- VIII—Court/Attorneys/Judges
- IX—Lack of Support and/or Appreciation
- X—No Involvement in Management Decisions
- XI—Family/Personal Reasons/Retiring

#### EXIT INTERVIEW REPORT SYNOPSIS

	Percent	
Total Number of employees included in this report .....	100	100
Number of exit interviews completed .....	76	76
Total Number of reasons for leaving submitted .....	120	( <sup>1</sup> )
Number of employees citing Job Opportunity/Career Change .....	34	34
Number of employees supplying no reason .....	18	18
Number of employees citing Poor Supervision/Management Issues .....	15	15
Number of employees citing Transfer to another DC Agency .....	11	11
Number of employees citing High Caseload .....	9	9
Number of employees citing Stress/Overwhelmed .....	7	7
Number of employees citing Family/Personal Reasons/Retiring .....	10	10
Number of employees citing Lack of Support and/or Appreciation .....	5	5
Number of employees citing No involvement in Management Decisions .....	4	4
Number of employees terminated during probation .....	5	5
Number of employees citing Court/Judges/Attorneys .....	2	2

Many workers who left CFSA employment submitted more than one reason for leaving. As a result, CFSA received a total of 120 reasons from the one hundred people who left between July 1999 and April 2001. These 120 reasons have been reduced to eleven main reasons, which are identified in the "Reasons for Leaving Codes" chart above.

The above percentages reflect the percent of employees from the total number who left (100), who identified one of the eleven reasons from the list in the "Reason for Leaving Code" chart identified above. For example, the number of employees citing court/judges/attorneys is two (2). These two employees are obviously reflected in the two percent appearing at the end of the "Number of employees citing Court/Judges/Attorneys" column. These employees may have also cited high caseload as another reason for leaving. That being the case, both employee would also be reflected in the ten percent at the end of the "Number of employees citing High Caseload" column on the "Exit Interview Report Synopsis" chart.

#### REPORTING AND INVESTIGATION

*Question.* How many cases of child abuse and neglect were investigated per year in the last calendar year (2000)?

*Answer.* The number of reported abuse and neglect allegations investigated are listed below by calendar years 1999 and 2000 is listed in Charts 10.1 and 10.2.

##### CHART 10.1.—*Number of Referrals for Calendar Year 1999*

Accepted for Investigation .....	4,934
Not Accepted for Investigation (Screened Out) .....	85
Total .....	5,019

##### CHART 10.2.—*Number of Referrals for Calendar Year 2000*

Accepted for Investigation .....	4,156
Not Accepted for Investigation (Screened Out) .....	203
Total .....	4,359

*Question.* In 1999 and 2000, how many reported cases of abuse or neglect resulted in the removal of the child/children?

*Answer.* Number of Reported Abuse/Neglect Cases That Were Accepted for Investigation and Resulted in the Removal of the Child(ren) during Calendar Years 1999 and 2000 are reflected in Charts 11.1 and 11.2

##### CHART 11.1.—*Calendar Year 1999 Investigations Resulting In Removals*

Investigations Resulting in the Removal of At Least One Child .....	117
Investigations That Did Not Result in The Removal of Children from Their Home .....	4,902
Total Referrals .....	5,019

##### Chart 11.2.—*Calendar Year 2000 Investigations Resulting In Removals*

Investigations Resulting in the Removal of At Least One Child .....	544
Investigations That Did Not Result in The Removal of Children from Their Home .....	3,612
Total Referrals .....	4,156

*Question.* In 1999 and 2000, what was the average length of time between when an initial report was filed and when the actual investigation began?

*Answer.* See report "Average Length of Time Between Intake Date and Investigation Initiative For Referrals Created Between January 1, 2000 and December 31, 2000" (APPA 14501.12). (Note: The CFSA child welfare information system was implemented on Oct. 1, 1999, therefore only 2000 data has been provided)

##### *Average Length of Time Between Intake Date and Investigation Initiation For Referrals Created Between January 1, 2000 and December 31, 2000*

<i>Length of Time to Initiate</i>	<i>Number of Referrals</i>
1 Day .....	516
2 Days .....	155
3 Days .....	64
More than 3 Days .....	709

*Average Length of Time Between Intake Date and Investigation Initiation For  
Referrals Created Between January 1, 2000 and December 31, 2000—Continued*

<i>Length of Time to Initiate</i>	<i>Number of Referrals</i>
Not Initiated <sup>1</sup> .....	2,712
Total Referrals .....	4,156

<sup>1</sup> Not Initiated means not documented properly in the electronic record.

Average time taken (for initiated referrals)—19.71 days.

*Question.* In 1999 and 2000, on average how many days did it take to investigate a case?

*Answer.* The Average Number of Days to Investigate a Case is 57.2 days as indicated in Chart 13.1. (Of Investigations Completed in Calendar Year 2000)

[Average Number of Days = 57.27]

<i>Num. Of Days to Num. Of Complete Investigation Investigations</i>	
0–30 days .....	1,431
31–45 days .....	484
46–60 days .....	296
61 + days .....	1,004
Total .....	3,215

Note: Prior to the implementation of the Agency's information system, FACES, this information was not tracked and is unavailable for calendar year 1999. Implementation of the FACES system was effective October 1, 1999.

*Question.* What are the “typical” reasons for removal of a child/children following an investigation? (Example: Parental drug use, domestic violence, incest, etc.)

*Answer.* The complete values for “Reasons for Removal” of a Child/Children following an Investigation are:

- |                                 |                                       |
|---------------------------------|---------------------------------------|
| 1. Abandonment                  | 9. Drug Abuse (Parent)                |
| 2. Alcohol Abuse (Child)        | 10. Inadequate Housing                |
| 3. Alcohol Abuse (Parent)       | 11. Incarceration of Parent(s)        |
| 4. Caretaker Ill/Unable to Cope | 12. Non-Committed Child of Teen       |
| 5. Child's Behavior Problem     | 13. Physical Abuse (Alleged/Reported) |
| 6. Child's Disability           | 14. Relinquishment                    |
| 7. Death of Parent(s)           | 15. Sexual Abuse                      |
| 8. Drug Abuse (Child)           | 16. Voluntary                         |

*Question.* Please provide a summary of how the investigative process works. Typically, what does CFSA do when a child abuse or neglect allegation is made? What is CFSA's role in the investigation? Will this change as a result of the consent order?

*Answer.* All reports are made to the single reporting hotline (202–671–SAFE). Subsequent to a child abuse or neglect report, the Hotline Supervisor assigns the referral to an Intake Unit, based on Wards in the District of Columbia. If the referral contains allegations of physical or sexual abuse, a worksheet is forwarded to the Metropolitan Police Department (MPD)—Youth & Preventive Services Division (YSPD). The hotline worker conducts a search to determine if the family has been previously known or is currently active with CFSA. This information is then relayed to the investigating unit. The Intake Supervisor then assigns the investigation to a licensed social worker in the unit to conduct the assessment. Prior to the initial assessment, closed case records and FACES (CFSA management information system) are reviewed if the case has ever been known to the agency.

If the report contains allegations of physical or sexual abuse, the social worker will conduct a joint investigation with MPD–YSPD. An initial assessment is attempted within 24 hours or immediately if the referral is considered an emergency. Upon responding, the social worker conducts a safety and risk assessment (food, clothing, shelter, education, medical care, supervision, and parenting skills) to determine if the child can remain in the home or if removal is warranted. Reasonable efforts are made to prevent removal by providing crisis intervention, referrals, and emergency services. If the child cannot safely remain in the home, the social worker conducts a removal in conjunction with MPD. The child is medically screened through DC Kids (neglect) or at the Children's National Medical Center (physical or sexual abuse) and a foster care placement recommendation is made. The Placement Unit then searches for the most appropriate facility or home according to the



child's needs. The removal of a child requires legal action within 24 hours, therefore, a Police Hold is requested and the case is presented before the DC Superior Court.

If the child can remain safely in the home, but the allegations are substantiated, the social worker opens the case and transfers it for further assessment, supportive services, and ongoing monitoring. If the allegations are unsubstantiated, the social worker closes the investigation.

The Consent Order is expected to create certain changes regarding the investigation process and the role of CFSA: the responsibility and authority for child abuse cases will be transferred from the DC Superior Court Social Services to CFSA and CFSA Intake staff will acquire direct legal services.

## Social Work Staff Exit Report Key

Reason for Leaving Codes	
Number	Meaning
I	No Reason Provided
II	Terminated During Probationary Period
III	Job Opportunity/Career Change
IV	Transfer to Another DC Agency (DCPS, etc.)
V	High Caseload
VI	Poor Supervision/Management Issues
VII	Stressed/Overwhelmed
VIII	Court/Attorneys/Judges
IX	Lack of Support and/or Appreciation
X	No Involvement in Management Decisions
XI	Family/Personal Reasons/Retiring

Exit Interview Report Synopsis		%
Total Number of employees included in this report	100	100%
Number of exit interviews completed	76	76%
Total Number of reasons for leaving submitted	120	Not Relevant
Number of employees citing Job Opportunity/Career Change	34	34%
Number of employees supplying no reason	18	18%
Number of employees citing Poor Supervision/Management Issues	15	15%
Number of employees citing Transfer to another DC Agency	11	11%
Number of employees citing High Caseload	9	9%
Number of employees citing Stress/Overwhelmed	7	7%
Number of employees citing Family/Personal Reasons/Retiring	10	10%
Number of employees citing Lack of Support and/or Appreciation	5	5%
Number of employees citing No involvement in Management Decisions	4	4%
Number of employees terminated during probation	5	5%
Number of employees citing Court/Judges/Attorneys	2	2%

Many workers who left CFSA employment submitted more than one reason for leaving. As a result, CFSA received a total of 120 reasons from the one hundred people who left between July 1999 and April 2001. These 120 reasons have been reduced to eleven main reasons, which are identified in the "Reasons for Leaving Codes" chart above.

The above percentages reflect the percent of employees from the total number who left (100), who identified one of the eleven reasons from the list in the "Reason for Leaving Code" chart identified above. For example, the number of employees citing court/judges/attorneys is two (2). These two employees are obviously reflected in the two percent appearing at the end of the "Number of employees citing Court/Judges/Attorneys" column. These employees may have also cited high caseload as another reason for leaving. That being the case, both employee would also be reflected in the ten percent at the end of the "Number of employees citing High Caseload" column on the "Exit Interview Report Synopsis" chart.



**Children Currently in Foster Care by Age and Placement Type  
As of April 18, 2001**

Placement Type	Age In Years							Total
	0-2	3-4	5-7	8-12	13-15	16-17	18+	
Adolescent & Pre-Natal	1	0	0	0	0	1	0	2
Correctional Facility/Non-Paid	0	0	0	0	0	1	0	1
Hospital	0	0	0	2	0	2	2	6
Independent Living Group Home	0	0	0	0	0	4	100	104
Kinship Foster Care	9	33	79	191	84	43	38	477
Kinship Unlicensed (Non-Paid)	0	3	3	3	0	0	0	9
Medically Fragile & Mental Retardation	1	0	6	20	14	4	9	54
Non-Relative Unlicensed (Non-Paid)	0	0	0	2	1	0	0	3
Pre-Finalized Adoptive Family	8	4	8	3	2	2	0	27
Proctor Foster Care	0	0	0	0	1	1	3	5
Psychiatric Hospital	0	0	0	0	0	1	0	1
Refugee Minor Foster Family	0	0	0	4	2	3	5	14
Residential Treatment Facility	0	0	3	10	36	37	28	114
Specialized Infant Care	31	26	31	19	7	0	0	114
Teen Mothers Group Home	2	0	2	0	2	3	24	33
Therapeutic Foster Family	0	6	35	160	86	63	53	403
Traditional Foster Family	98	145	274	411	130	53	77	1188
Traditional Group Home	3	4	5	18	50	50	38	168
<b>Total</b>	<b>153</b>	<b>221</b>	<b>446</b>	<b>843</b>	<b>415</b>	<b>268</b>	<b>377</b>	<b>2723</b>



**Children Currently in Foster Care by Age and Permanency Goal  
As of April 18, 2001**

**Age In Years      0-2**

<b>Permanency Goal</b>	<b>Number of</b>	<b>Percentage</b>
Adoption	12	0.44 %
Family Stabilization	1	0.04 %
Long Term Foster Care	1	0.04 %
Relative Placement	4	0.15 %
Reunification	30	1.10 %
No Goal	105	3.86 %
<b>SubTotal</b>	<b>153</b>	<b>5.62 %</b>

**Age In Years      3-4**

<b>Permanency Goal</b>	<b>Number of</b>	<b>Percentage</b>
Adoption	85	3.12 %
Family Stabilization	5	0.18 %
Guardianship	1	0.04 %
Legal Custody	4	0.15 %
Relative Placement	4	0.15 %
Reunification	60	2.20 %
No Goal	62	2.28 %
<b>SubTotal</b>	<b>221</b>	<b>8.12 %</b>

**Children Currently in Foster Care by Age and Permanency Goal**  
**As of April 18, 2001**

**Age In Years      5-7**

<b>Permanency Goal</b>	<b>Number of</b>	<b>Percentage</b>
Adoption	218	8.01 %
Family Stabilization	13	0.48 %
Guardianship	4	0.15 %
Legal Custody	7	0.26 %
Long Term Foster Care	4	0.15 %
Relative Placement	14	0.51 %
Reunification	96	3.53 %
No Goal	90	3.31 %
<b>SubTotal</b>	<b>446</b>	<b>16.38 %</b>

**Age In Years      8-12**

<b>Permanency Goal</b>	<b>Number of</b>	<b>Percentage</b>
Adoption	420	15.42 %
Family Stabilization	17	0.62 %
Guardianship	11	0.40 %
Legal Custody	16	0.59 %
Long Term Foster Care	34	1.25 %
Relative Placement	41	1.51 %
Reunification	181	6.65 %
No Goal	123	4.52 %
<b>SubTotal</b>	<b>843</b>	<b>30.96 %</b>

**Children Currently in Foster Care by Age and Permanency Goal**  
**As of April 18, 2001**

**Age In Years      13-15**

<b>Permanency Goal</b>	<b>Number of</b>	<b>Percentage</b>
Adoption	131	4.81 %
Family Stabilization	14	0.51 %
Guardianship	10	0.37 %
Independence	5	0.18 %
Legal Custody	6	0.22 %
Long Term Foster Care	83	3.05 %
Relative Placement	26	0.95 %
Reunification	83	3.05 %
No Goal	57	2.09 %
<b>SubTotal</b>	<b>415</b>	<b>15.24 %</b>

**Age In Years      16-17**

<b>Permanency Goal</b>	<b>Number of</b>	<b>Percentage</b>
Adoption	31	1.14 %
Family Stabilization	4	0.15 %
Guardianship	1	0.04 %
Independence	68	2.50 %
Legal Custody	4	0.15 %
Long Term Foster Care	105	3.86 %
Relative Placement	3	0.11 %
Reunification	21	0.77 %
No Goal	31	1.14 %
<b>SubTotal</b>	<b>268</b>	<b>9.84 %</b>

**Children Currently in Foster Care by Age and Permanency Goal  
As of April 18, 2001**

Age In Years      18+

Permanency Goal	Number of	Percentage
Adoption	7	0.26 %
Emancipation	2	0.07 %
Family Stabilization	4	0.15 %
Guardianship	4	0.15 %
Independence	276	10.14 %
Legal Custody	2	0.07 %
Long Term Foster Care	40	1.47 %
Relative Placement	5	0.18 %
Reunification	10	0.37 %
No Goal	27	0.99 %
<b>SubTotal</b>	<b>377</b>	<b>13.85 %</b>

<b>Total Children</b>	<b>2723</b>	<b>100 %</b>
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APPA 14051-2



**Children Currently in Foster Care by Age and Number of Years Receiving Services  
As of April 18, 2001**

Years Receiving Services	Age In Years							Total
	0-2	3-4	5-7	8-12	13-15	16-17	18+	
0 - 0.9 years	83	40	67	108	48	27	16	389
1 - 1.9 years	55	55	77	126	53	30	27	423
2 - 2.9 years	9	63	72	108	38	20	17	327
3 - 4.9 years	0	61	147	172	92	47	64	583
5 - 7.9 years	0	0	79	203	67	48	88	485
8+ years	0	0	0	128	121	90	174	513
<b>Total</b>	<b>147</b>	<b>219</b>	<b>442</b>	<b>845</b>	<b>419</b>	<b>262</b>	<b>386</b>	<b>2720</b>

\* Electronic records improperly documented for three children not included

APPA 14051-3



**Number of Placements and Average Number of Placements by Age  
From October 01, 1999 to April 18, 2001**

Number of Continuous Placements	Age In Years							Total
	0-2	3-4	5-7	8-12	13-15	16-17	18+	
1	176	236	442	793	319	191	238	2395
2	30	67	146	206	109	68	127	753
3	3	20	50	65	27	21	34	220
4	2	3	11	27	17	4	17	81
5	0	1	6	18	9	1	2	37
6+	1	1	3	17	4	5	1	32
<b>Total</b>	<b>212</b>	<b>328</b>	<b>658</b>	<b>1126</b>	<b>485</b>	<b>290</b>	<b>419</b>	<b>3518</b>

Age In Years	Average Number of Placements
0-2	1.22
3-4	1.38
5-7	1.49
8-12	1.53
13-15	1.56
16-17	1.53
18+	1.63



**Length and Average Duration of Time in Foster Homes by Age  
As of April 18, 2001**

Length of Time in Placement	Age In Years							Total
	0-2	3-4	5-7	8-12	13-15	16-17	18+	
0 - 0.9 years	78	77	160	320	155	106	91	987
1 - 1.9 years	36	69	99	240	96	56	68	664
2 - 2.9 years	3	45	81	157	64	32	44	426
3 - 4.9 years	0	37	116	162	84	39	67	505
5 - 7.9 years	0	0	38	132	53	44	68	335
8+ years	0	0	0	39	48	44	91	222
<b>Total</b>	<b>115</b>	<b>208</b>	<b>423</b>	<b>810</b>	<b>376</b>	<b>234</b>	<b>347</b>	<b>2513</b>

Age In Years	Average Duration of Time in Foster Home in Years
0-2	0.73
3-4	1.64
5-7	2.13
8-12	2.53
13-15	3.00
16-17	3.44
18+	4.62

\* Foster homes are Therapeutic Foster Family, Traditional Foster Family, Kinship Foster Care and Proctor Foster Care





Average Length of Time Between Intake Date and Investigation Initiation  
For Referrals Created Between January 1, 2000 and December 31, 2000

Length of Time to Initiate	Number of Referrals
1 Day	516
2 Days	155
3 Days	64
More than 3 Days	709
Not Initiated *	2712
<b>Total Referrals</b>	<b>4156</b>

Average time taken = 19.71 Days  
(For Initiated Referrals)

\* Not Initiated means not documented properly in the electronic record

APPA-14051-12

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

*Question.* Your written testimony stated that CFSA has achieved a 33 percent increase in the availability of community based services to children, raising the number of children served from 987 to 1,316. What percentage of the total number of families "eligible" or "in need" of such services does that number represent?

*Answer.* As a point of clarification, there was a 33 percent increase in the number of families served by community-based partners (from 987 to 1,316). The actual number of children served during the same period increased from 2,220 to 3,677. 100 percent of the total number of children and families who came to the attention of the Child and Family Services Agency as eligible or in need of community-based services were referred and received those services.

*Question.* In regard to your 97 percent success rate in safely protecting children within their families, how exactly is that number determined? What does it represent?

*Answer.* Of the total number of children safely protected by the Agency within their own homes (7,641), 206 of these children had to be removed from their homes and committed to the Agency's custody following case intervention for a period of time in which the social worker attempted to prevent the out-of-home placement.

*Question.* As to the length of time in care, how was this reduction in time achieved? Also, do you have any information as to the length of time children are in care before adoption is identified as the permanency plan? In other words, the total time in care?

*Answer.* This reduction was achieved as the Child and Family Services Agency has continued to make a concerted effort to increase the number of internal permanency staffs to identify appropriate permanency goals for children in care. In addition, the Agency has increased the number of diligent search investigators who search for missing/absent parents earlier in the process so that a permanency hearing does not need to be delayed due to the lack of information regarding the child's birth parent(s). The Agency is also working very closely with the Adoptions Judge of the D.C. Superior Court to ensure adoptions are finalized as soon as practicable. Currently, the average length of time in care to the establishment of the permanency goal of adoption is 2.44 years (28.77 months). However, as I stated at the March 15th hearing, termination of parental rights does not typically occur in the District until an adoptive home has been identified.

*Question.* Can you help to expose some of the reasons why the district is not able to obtain the full level of Federal reimbursement to which they are entitled?

*Answer.* The Administration for Children and Families (ACF) of the Department of Health and Human Services published 70 percent as the District's maintenance payment rate for the 1st quarter of fiscal year 1998, and ACF Office of General Counsel questioned the interpretation resulting in a revocation of the initial interpretation. ACF then determined that the District is not entitled to 70 percent Title IV-E reimbursement.

The Agency does not fee it is recovering the federal revenues to which it is entitled. We believe that Title IV-E should be reimbursed at the same rate as Medicaid, as it is in all other jurisdictions except the District of Columbia and Alaska.

*Question.* You have increased the number of children in foster care homes to 507. Can you provide me with a breakdown in the types of placements for the remaining children. For example, what percentage are in group homes, congregate care, therapeutic facilities etc.

*Answer.* The 507 figure actually represents an increase in the number of foster homes not children. Provided below is a breakdown of the number of foster care children by type of placement as of February 2001.

	Percent
Traditional Foster Care .....	- 46
Therapeutic Foster Care .....	- 14
Kinship Care Foster Care .....	<sup>1</sup> - 17
Group Homes .....	- 9
Residential Treatment Facilities .....	- 5
Special Infant Program .....	- 4
Other .....	- 5

<sup>1</sup> The remaining kinship care givers are not receiving the foster care board rate.

*Question.* Are the 2,545 children living with kin counted in your numbers of children in out of home placement?

*Answer.* Yes, however of the 2,545 children placed with kinship care givers in fiscal year 2000 approximately 500 were in paid foster care placement status. In fiscal year 2001, approximately 1,907 children are placed with kinship care givers (both in paid and non-paid status).

*Question.* The hearing highlighted the fact that the District is not in compliance with ASFA in some areas. There are two requirements regarding time that I am aware of (1) within 12 months a hearing must be held—how long is that time frame currently in the District? (2) that any child who is in care for 15 of the past 22 months must be the subject of a hearing to terminate parental rights—again, what is the time frame currently in the district?

*Answer.* The Family Division of the Superior Court of the District of Columbia is the entity statutorily responsible for holding a permanency hearing after a child has been in care for 12 months. On April 28, 1998, Chief Judge Eugene N. Hamilton issued Administrative Order No. 98-13 which required all judges to review their neglect and abuse cases and to conduct permanency hearings for all cases where eighteen months had passed since the entry of the order of abuse or neglect.

The Council for Court Excellence recently released a report describing the status of the Court's compliance with the new time frames under the Adoptions and Safe Families Act. A copy of that report is attached.

#### QUESTIONS SUBMITTED TO ERIC THOMPSON

#### QUESTIONS SUBMITTED BY SENATOR MIKE DEWINE

*Question.* What is your perception of the District of Columbia's child welfare system? Are the problems plaguing the DC child welfare system similar to those across the country?

*Answer.* The problems in the District's child welfare system are similar to those in other troubled systems around the country but these problems were exacerbated for many years by the problems within District government itself and then by the government's resistance to working with the receivership that had been imposed by the federal court. We hope those more general problems are abating, with recent improvements within the government and with the transition plan to end the receivership. And although there are still significant problems in the District's child welfare system, the receiver has succeeded in making many structural changes that should lay the groundwork for better services. Nevertheless, many reform initiatives

have up to this point been stymied by system-wide barriers both within and without CFSA.

Within CFSA, there is a critical dearth of competent, experienced supervisory staff, so that many caseworkers are quitting as fast as they can be hired. Under the best of circumstances, child welfare is a demanding field. When there is a critical and chronic shortage of casework staff, as there has been now for years at CFSA, caseworkers covering inordinately high caseloads are bound to only perform emergency tasks, if that. This jeopardizes service delivery and child safety. Current initiatives to recruit and retain competent staff must be continued and fully funded, and non-performing supervisory staff should be aggressively replaced.

Outside CFSA, there has been a lack of cooperation and coordination between CFSA and the many other District entities responsible for child welfare, including the Office of Corporation Counsel, the Metropolitan Police Department, and the Superior Court of the District of Columbia. In many instances, these agencies have even been openly antagonistic to CFSA and its staff to the detriment of the LaShawn plaintiff class of children. As part of the recent LaShawn consent decree, the District has now agreed to the full staffing of Corporation Counsel for CFSA representation, which will be a first. Full funding for these additional positions will be necessary. The District has also agreed that abuse and neglect investigations and case management must finally be consolidated in CFSA instead of being artificially distributed between CFSA, the Police Department and the Superior Court. Reforms at the Superior Court will also be needed to assure the continuity and competence of judicial oversight over contested child welfare cases. Finally, the District has agreed that other child welfare functions, such as foster home licensing and caseworker hiring, be transferred to CFSA from other understaffed and underperforming District agencies. With full funding and staffing of these functions within CFSA, the Agency will no longer be at the mercy of unresponsive District bureaucracies for these critical child welfare functions.

*Question.* What role has the Adoption and Safe Families Act (ASFA) played in making systemic changes in child welfare and foster care systems throughout America? What are the positive and/or negative effects of this new law? Would you recommend any changes to the law?

*Answer.* ASFA has forced child welfare agencies, the courts, and legal advocates to pay far more attention to children's best interests and safety in planning for children. In addition, by requiring that the states take action to free children for adoption after they have been in foster care custody for 15 out of the last 22 months, the legislation also puts the states on notice that children should not remain in foster care indefinitely, and provides advocates with an important new tool for combating foster care drift. Unfortunately, many of the states are out of compliance with the requirements of the statute.

Children's Rights is doing a study on the progress various jurisdictions have made in improving permanency outcomes for children since the enactment and implementation of the Adoption and Safe Families Act. Specifically with regard to adoption, we have found mixed results so far. Some jurisdictions, such as the District of Columbia, have significantly increased the numbers of children for whom adoptions are finalized and have sustained the increase on a yearly basis (in DC, increasing from 47 finalized adoptions in 1992 to 279 in 2000). Other jurisdictions (such as Kansas and Connecticut), however, reported an initial increase in the number of finalized adoptions and a subsequent slowing in these rates. This trend suggests that the initial increases reflected success in finalizing the adoptions of children who were already placed with adoptive families and where legal steps were all that remained to finalize the adoptions.

It may be that the current population of children in foster care waiting to be adopted is increasingly comprised of children with significant special needs and/or who are members of sibling groups. If so, these children are likely to need specialized and focused efforts to ensure that adoptive families are identified for them. Absent these efforts, compliance with ASFA provisions to file petitions to terminate parental rights and free children for adoption will lead to a new group of children for whom permanency has not been achieved—children who may become “legal orphans.” Efforts to free children for adoption must be accompanied by aggressive efforts to recruit and support permanent new families for them. In addition, another concern about the ASFA provision that requires the filing of petitions to free children for adoption is whether the states will direct all of their attention to that aspect of permanence, and neglect the other important aspect of permanence, that of reuniting children with their birth families whenever it is appropriate and safe to do so. So far, there is very little information about exactly how this statute is being implemented.

The greatest strength of ASFA is that it requires timely state action to determine and implement a permanent goal of adoption for children who remain in foster care for 15 out of the last 22 months, if an exception does not apply. 42 U.S.C. § 675(5)(E). ASFA's emphasis on termination of parental rights provides support for the first critical step toward ensuring permanency for children who will not be reunited with their biological parents. ASFA also provides guidance to states in maximizing their use of resources to recruit adoptive parents for waiting children in foster care.

One weakness of the current statute is that there is no explicit requirement that the election of an exception justifying the non-filing of a termination of parental rights (TPR) petition be contemporaneously made and documented. States can therefore defeat the provisions of 42 U.S.C. § 675(5)(E) by failing to pursue timely permanency and then seeking to justify their non-action years later with an exception that may only apply by then because of their previous non-action. For example, if a state does not file a TPR petition for a child in foster care for 15 out of the last 22 months who should be adopted at that time, the state may be able to justify years later that it is no longer in the best interests of the child to be adopted because they have been allowed to bond in a non-adoptive foster home for years. Unless the states are required to elect and document that an exception applies at the 15 month mark when a TPR petition is not filed as otherwise required, then the exceptions can swallow the rule by allowing the states to seek to justify their non-action years hence to the detriment of the children.

Also, ASFA did not provide additional funding to states to expand their recruitment efforts for adoptive homes for the growing number of children who are being freed for adoption. Nor did ASFA address the post-adoption needs of families who adopt children with physical disabilities, mental health problems and developmental difficulties (a significant percentage of children in foster care). Research and practical experience have demonstrated repeatedly that successful adoptions of children in foster care depend to a significant degree on the availability of post-adoption services and supports for children with special needs and their adoptive families. Absent such support, the risk of adoptions disrupting and children returning to foster care is significant. To further ASFA's goal of ensuring permanency for children through adoption, emphasis must be placed on the development of and support for post-adoption services for children and their families.

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#### QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

*Question.* Both yourself and Ms. Jackson identified the lack of legal representation as a major barrier to improvement. While I understand that it is the intent to hire additional attorneys and have them be located within the agency itself, I am wondering if any thought has been given to ensuring that: (1) these attorneys are appropriately trained to handle these cases and (2) It is clearly established what their role as attorneys for the agency will in fact be?

*Answer.* This question raises important questions because, as the Senator recognizes, simply having an adequate number of attorneys does not ensure adequate legal representation, and adequate legal representation is absolutely critical to ensuring protection for the District's children. In the past, the Office of Corporation Counsel in the District has been extremely resistant to either the question of additional numbers of attorneys, or to the role they play with regard to representing the Child and Family Services Agency. As a result of the negotiations concerning ending the receivership and returning the agency to the District's control, the District has agreed to appropriate staffing "to assist CFSA staff to effectively present their cases in court," and the provisions concerning adequate equal representation will be carefully monitored, given how important they are and how much of a problem this has been. However, plaintiffs are not yet satisfied that the role of these lawyers, and their supervision, has adequately been addressed by the District. Therefore, our negotiations with the District on the details surrounding this very important issue continue, and plaintiffs will oppose an termination of the receivership until the details on legal representation are satisfactorily resolved.

*Question.* As a lawyer, I am sure that you recognize that even the most perfect of social service systems can ultimately have their permanency and safety goals impeded by a overburdened and unspecialized court system? Can you expound for us the role of the courts in this transformation?

*Answer.* We agree that the courts play a very important role in ensuring the protection of children. In the past, we do not think that the courts, CFSA and District government have worked together as collaboratively as necessary. The separation of responsibility for abuse and neglect has created a serious problem and the recently

passed legislation to end that separation is a critical step toward improving services for children. We also believe that there are important steps toward reforming the courts themselves that should be taken. These steps include: better, more efficient scheduling of cases, so that case workers do not have to spend hours waiting in court, and not serving children, for brief court appearances; a specialized bench, as is the case in many jurisdictions, so that the judges will have the opportunity for specialized training, and have a better and more sophisticated understanding of the issues that are presented before them; and far better cooperation and liaison between the court and the administration of CFSA to address and resolve problems cooperatively that interfere with each system doing the best possible job for children. The court also needs greater expanded technology so that it can ensure accountability, track permanency for children and keep far better track of the cases.

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QUESTIONS SUBMITTED TO JUDITH MELTZER

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

*Question.* You have provided us with some startling numbers which demonstrate the depth of workforce issues facing CFSA. I am encouraged by your testimony that a plan is being developed to increase recruitment and retention of social workers. Are there any specific areas of the that plan you would like to highlight?

*Answer.* As indicated in my written testimony, addressing the workforce issues is one of the most important challenges that the child welfare agency (CFSA) faces as it seeks to comply with the LaShawn Remedial Order requirements to operate a high quality child welfare system. Until fairly recently, the workforce problems were in part budgetary, in that (1) there were not enough budgeted positions to bring caseloads to required levels, and (2) social worker salaries were non-competitive with surrounding jurisdictions. This is no longer the problem. The biggest barriers have been the single reliance on MSW social workers for all of the frontline social work functions and the difficulties that the agency has had in retaining social workers.

On the MSW issue, the LaShawn Remedial Order includes a requirement that all social workers be licensed MSWs unless the District develop and the plaintiffs approve an alternative plan. This requirement was put in the decree at the recommendation of District government in 1991 because of a long-standing view that District licensing law requires anyone practicing social work to have an MSW degree. Plaintiffs and the Court Monitors' review of the District statute suggests that either a licensed BSW or MSW can provide social work services. However, for many years, the District's Social Work Licensing Board and the professional association (the Metropolitan Chapter of the National Association of Social Workers) have vigorously opposed any efforts by the Receiver to implement a plan to use licensed BSW staff. As Monitor, we have always indicated that we believe that such a plan needs to be developed and would be approved by plaintiffs. Given the current hiring crisis, I have strongly recommended that the agency move forward with a plan to immediately hire BSW as well as MSW staff. That plan is currently in the final stages of development by CFSA and assuming that it clearly identifies the functions that BSW staff will perform; how they will be supervised, and how they will be trained, both the Monitor and plaintiffs should approve it.

Assuming the agency goes forward to aggressively recruit both MSW and BSW staff this spring, they should be able to hire a sufficient number of workers to fill all current vacancies. The Mayor and the District Council have finally approved a plan developed by the Receiver last year to allow the agency to provide hiring incentives and relocation allowances for staff recruited from other states. Bonuses to current staff who recruit and refer newly hired staff will also be provided. These incentives will help with the recruitment. In addition, I am encouraging the agency to over-hire, that is to commit to hire new workers at a level at least 10 percent above current vacancies, so that there is always a pool of available trained workers to fill new vacancies.

The biggest issue facing CFSA is social worker retention. As indicated in my testimony, in the year 2000, the agency hired 132 new social workers and lost 128 workers, leaving a net gain of only 4 workers. Resolving retention issues will involve a creative leader, who can increase the morale of workers at the agency. Also imperative are efforts to improve front-line supervision; to provide workers access needed resources for families and children, and to provide workers with continuous opportunities for job satisfaction and professional development. In addition, current efforts to improve the adversarial relationship with the Superior Court and the lack of effective representation for social workers by Office of Corporation Counsel attorneys

should positively impact retention (assuming these problems are successfully resolved).

*Question.* You mentioned that you are also faced with serious challenges in identifying prospective foster and adoptive placements? What are some of the specific barriers to securing these placements?

*Answer.* As Monitor, I have continually expressed concern about the need to identify, recruit and support foster and adoptive parents. As is true with the staffing problems, the shortage of appropriate placement is as much a retention issue as it is a recruitment problem.

The District faces difficult and special challenges in recruiting families because it is such a small jurisdiction in a large metropolitan area. Although the District is committed to intensifying its efforts to identify homes in the District of Columbia, the majority of children are currently placed in Maryland and Virginia. Recruiting and approving homes in the surrounding jurisdictions involves the District in the Interstate Compact for the Placement of Children (ICPC) process which makes an already difficult task more complex. As Monitor, we have advocated that the District enter into a "Border State Agreement" with Maryland and Virginia. This will allow the District to study, and approve homes within a 50-mile radius of the District without going through the ICPC process. Several states with cross-jurisdictional placement issues have "Border Agreements," and it is clearly a sensible solution for the District of Columbia. However, until such time as the District is able to persuade Maryland and Virginia to negotiate such an agreement, the District must make sure that it devotes the necessary resources to comply with ICPC requirements in a timely and professional way. In the past, this has not been done and this has made cooperation with the surrounding jurisdictions more difficult.

One promising initiative is the work of the My Community, My Children project which is funded by the Annie E. Casey Foundation and which is supporting neighborhood-based foster care recruitment and support in the District. This work is being carried out by CFSA in collaboration with the Healthy Families/Thriving Communities Collaboratives. It is designed to recruit families from District neighborhoods and to put in place a range of community-based supports for foster and adoptive families so that these placements are successful.

Experience across the country has shown that the ability to effectively support foster and adoptive parents through training, support groups, respite and day care, among other things, is essential. In addition, foster parents must have ready access to social workers when problems arise and must be respected for their work; foster parents must also be included as partners in appropriate case planning for the children in their care. Effectuating these changes will also help with recruitment and retention.

*Question.* In your testimony you stated that the ASFA is not being complied with in the District. There are two requirements regarding time that I am aware of (1) within 12 months a hearing must be held—how long is that time frame currently in the District? (2) that any child who is in care for 15 of the past 22 months must be the subject of a hearing to terminate parental rights—again, what is the time frame currently in the district?

*Answer.* I am unable to provide compete information to the Committee on the District's compliance with ASFA time lines. The agency's data system does not yet produce this information on a regular basis. However, as Court-appointed Monitor, CSSP last conducted a case record review of statistically valid samples of foster care and adoption cases in 1998. At that time, over half of the children in foster care with a goal of return home had had that permanency goal for over twelve months. In addition, the average length of time in foster care for children awaiting adoption was five years and only forty percent of the children awaiting adoption were legally free, either through relinquishment or termination of parental rights. More recent data compiled by the Council for Court Excellence suggests ongoing problems in meeting Court time frames for case fact-finding and disposition which will ultimately inhibit the system's ability to meet ASFA time lines.

As part of the October 23, 2000 Consent Order governing transition of the LaShawn Receivership to District government, CSSP will conduct another case record review at the point of transition and again 6 months later in order to determine if there is sufficient progress to warrant exit from a probationary status. There are several ASFA-related indicators and time lines that we will be assessing as part of those reviews.

[CLERK'S NOTE.—The subcommittee received the following letter from Carolyn N. Graham in response to questions posed in a letter of April 4, 2001, which will be inserted in the record at this point.]

MAY 9, 2001.

The Honorable MIKE DEWINE,  
*United States Senator, 140 Russell Senate Office Building, Washington, DC.*

DEAR SENATOR DEWINE: Thank you for the opportunity to testify before the Subcommittee on the District of Columbia on March 15, 2001. Below I have attempted to respond to the questions posed in your letter of April 4, 2001.

As you may know, on April 30, 2001, Mayor Williams announced the selection of Dr. Olivia Golden as Director of the Child and Family Services Agency (CFSA). We are extremely pleased that Dr. Golden has accepted the position as she brings with her a wealth of experience in child welfare and human services more broadly. Dr. Golden will begin working at CFSA for transition purposes on May 14, 2001. She will assume full operating responsibility for the agency upon termination of the receivership which is expected to occur before the end of June 2001.

In your letter, you inquired about what accountability systems are being put in place to ensure proper implementation of child welfare functions and reforms. The Mayor and I will work closely with Dr. Golden to establish a high quality child welfare system. Specifically, there are a number of supports and checks and balances that are or will be put in place by the Mayor's Office including the following:

*Monthly Meetings.*—I will meet with Dr. Golden once a month for the following purposes: (1) to receive a status report on agency progress; (2) to identify and troubleshoot any issues that present themselves; (3) to review Dr. Golden's achievement of goals identified in her performance contract (discussed below); (4) to review progress against the November 30, 2001 Memorandum of Understanding between the District and the Superior Court which lays out the process for transferring the child abuse responsibilities of the Court's Social Services Division to CFSA; and (5) to review monthly data on case practice, e.g., investigations completed within 30 days, cases with current case plans, length of time children in foster care, etc.

Among other data, I will review with Dr. Golden CFSA's monthly reports on the multiple performance measures included in Appendix A of the October 23, 2000 Consent Order in the LaShawn Case. Our review will be focused on measuring and tracking CFSA's compliance with the orders in LaShawn and with the Adoption and Safe Families Act (ASFA). I will work closely with Dr. Golden and provide the necessary supports to improve the reliability of data contained in FACES, CFSA's automated information system. I will also review data produced by the Superior Court on compliance with ASFA.

In addition to data on case practice, I will also request and review monthly data on social worker and foster parent training, social worker vacancies and social worker caseloads. I plan to work very closely with Dr. Golden to develop and implement effective social worker recruitment and retention strategies.

*Review of LaShawn Monitor reports.*—I will review with Dr. Golden all reports issued by the LaShawn Monitor, including the Monitor's reports evaluating the agency's compliance with the performance standards set in Appendix A of the October 23, 2000 consent order.

*Integration of CFSA with other DC Health and Human Service Agencies.*—Dr. Golden will attend the monthly meetings convened by my office of the Children, Youth and Families Cluster, which includes the directors of the Department of Health, Department of Mental Health, Department of Parks and Recreation, DC Public Libraries and the Office on Aging. The CFSA Receiver already attends these meetings. These meetings provide a forum to ensure that CFSA is fully integrated with and utilizing the services and resources of our other health and human services agencies.

*CFSA Director Performance Contract.*—Dr. Golden will be required to develop a Performance Contract. A performance contract is required of all department directors and is used by the Mayor to assess and rate the director's performance. The performance contract will set expectations in several areas including, but not limited to, outcomes for children in CFSA, financial management of CFSA and responsiveness of CFSA to judicial orders. Dr. Golden will also be required to develop a "scorecard" which highlights three to five goals that she will work to achieve by the end of the year. All cabinet members have scorecards; these can be viewed on the web at [www.washingtondc.gov](http://www.washingtondc.gov).

*Integration with Mayor's Strategic Plan.*—We are implementing a city-wide, inter-agency, strategic plan to strengthen children, youth and families. This plan is known as Safe Passages because the goal is to ensure that all children in the District experience a safe passage into adulthood. The Safe Passages plan includes and tracks approximately 100 specific performance goals to be achieved by the end of fiscal year 2001. Listed below are the performance goals included in Safe Passages that specifically relate to the child welfare system:

- 1. Reduction of children in out-of-state placements
- 2. Reduction of children in institutional settings
- 3. Reduction in disruption of kinship placements resulting in entry into foster care
- 4. Increase in children placed in relative custody
- 5. Reduction in children experiencing multiple foster care placements
- 6. Increase in adoptions
- 7. Increase in clients receiving substance abuse services
- 8. Increase in children receiving community-based support services
- 9. Increase in children maintained in their communities.

Your letter also inquired about improving services at the “front door” when an investigation begins, identified the transfer of Court Social Services (CSS) to CFSA as one possible solution and inquired as to the Mayor’s position on such as transfer. A few clarifications are necessary.

Investigations of child abuse and neglect are conducted by CFSA and the Metropolitan Police Department (MPD). Court Social Services does not conduct investigations. Court Social Services case manages those families in which abuse has been substantiated, but children have not been placed in foster care. This function of CSS is already in the process of being transferred to CFSA as required by the October 23, 2000 Consent Order in the LaShawn case and the November 30, 2000 Memorandum of Understanding (MOU) between the Mayor and the Superior Court, which lays out in detail the process for transferring CSS’ child abuse responsibilities to CFSA by October 1, 2001.

The American Humane Association Child Welfare Division has been retained by CFSA to coordinate and support the transition process, which involves transfer of cases, staff, resources and data. This work is proceeding on schedule.

In addition to being legally obligated by the federal court to carry out this transfer, the Mayor fully supports this course of action, as it will put an end to the District’s so-called bifurcated child welfare system in which responsibilities are split between CFSA and Court Social Services, contributing to a fragmented response to children and families.

The District is also, in fact, taking steps to improve the “front door” of the child welfare system by moving to establish a state-of-the-art child assessment center which will co-locate and integrate all of the agencies involved in the investigation and prosecution of child abuse and neglect. We are currently working to identify a physical site for the facility. In the meantime, in March 2001, an MOU was signed by the Mayor, the US Attorney, Children’s Hospital, the Safe Shores Children’s Advocacy Center, DC Public Schools, CFSA, Court Social Services, the Office of Corporation Counsel and the Commission on Mental Health Services. In this MOU, each of these agencies committed to working together to implement a coordinated and child-friendly process for investigating and prosecuting child abuse. As a result of this agreement, these agencies now meet on a regular basis to review cases and take steps to ensure that children are properly protected and receiving appropriate services and that investigations and prosecutions are proceeding as they should. My staff participate in these meetings and apprise me of issues that require intervention or resolution at the Mayoral level.

Your letter inquired about the steps necessary for developing a stable and sufficient workforce. Indeed, this has been one of the greatest challenges faced by the child welfare agency. Assessments of the problem indicate that it is worker retention, not recruitment of new workers, that is the primary challenge. In addition to financial incentives for staff—which will continue—stabilization of the workforce requires that social workers have the resources they need to serve children and families as well as proper supervision and support from their superiors. Thus, our strategy to address the issue is multi-faceted and includes, but is not limited to, the following:

*Increasing legal resources.*—CFSA will have an additional 25 dedicated Corporation Counsel attorneys to process abuse, neglect, foster care and adoption cases as well as appropriate legal support staff. Legal staff will be located on-site at CFSA.

*Increasing staff resources.*—The District is developing a plan and criteria for the hiring and use of staff with Bachelor of Social Work (BSW) degrees as well as para-professionals. These staff will support the work of those in CFSA with Master of Social Work (MSW) degrees.

*Increasing availability and accessibility of services for children and families.*—CFSA has signed a Memorandum of Understanding (MOU) with the Department of Health’s Addiction Prevention and Recovery Administration (APRA) to ensure that CFSA clients receive necessary substance abuse treatment. CFSA is also working closely with the Department of Mental Health to establish diagnostic and counseling resources for children and families on the CFSA caseload.



*Implementing Performance-Based Evaluations of Supervisors and Managers.*—A significant number of CFSA supervisors and managers have elected to participate in the Mayor's Management Supervisory Service (MSS). Under this system, supervisors and managers are subject to performance-based evaluations and no longer benefit from civil service protections. I am committed to working closely with Dr. Golden to maintaining a rigorous performance review process as well as providing ongoing training and professional development opportunities for supervisors and managers.

Your final questions related to the Mayor's position on the establishment of a separate family court and its potential impact on the investigation process and the stability of the workforce. The Mayor supports the general concept of the recent proposal by the D.C. Superior Court to Letter to the Honorable Mike DeWine Page Five augment and enhance the Family Division of Court (through extending the tenure of judges) rather than creating a separate family court which may ultimately suffer the fate of having to compete with other "more prestigious" courts for resources, as has happened in other jurisdictions. We have some concerns with the Superior Court proposal and are actively working with the Court to resolve them in order to ensure that CFSA and the Court can work effectively together to comply with local and federal law. Strengthening and rationalizing the Family Division will indeed have a positive impact on virtually all functions of the child welfare agency as the planned changes will serve to improve the working relationships between the Court and CFSA.

Thank you for your commitment to the District of Columbia and its child welfare system in particular. I am available to discuss these and any other questions you may have.

Sincerely,

CAROLYN N. GRAHAM.

#### SUBCOMMITTEE RECESS

Senator DEWINE. We will hold additional hearings to monitor what is going on. Frankly, as a result of today's hearing I have got in my mind some additional witnesses that I would like to bring in and to further focus on what is going on.

So we appreciate your testimony very much, we appreciate your patience with the crazy schedule of the U.S. Congress going back and forth with votes, and we look forward to working with all of you in the future. Thank you very much.

Ms. MELTZER. Thank you.

Ms. JACKSON. Thank you.

Ms. GRAHAM. Thank you very much.

[Whereupon, at 12:59 p.m., Thursday, March 15, the subcommittee was recessed, to reconvene subject to the call of the Chair.]



## **DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2002**

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**WEDNESDAY, MAY 16, 2001**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 10:08 a.m., in room SD-116, Dirksen Senate Office Building, Hon. Mike DeWine (chairman) presiding.  
Present: Senators DeWine, and Landrieu.

**DISTRICT OF COLUMBIA**

**D.C. SUPERIOR COURT**

**STATEMENT OF HON. RUFUS G. KING, III, CHIEF JUDGE, D.C. SUPERIOR COURT**

**ACCOMPANIED BY:**

**HON. REGGIE WALTON, PRESIDING JUDGE, FAMILY DIVISION, D.C. SUPERIOR COURT**

**HON. DAVID E. GROSSMAN, COURT OF COMMON PLEAS, JUVENILE COURT DIVISION, CINCINNATI, OHIO**

**OPENING STATEMENT OF SENATOR MIKE DEWINE**

Senator DEWINE. Good morning. Let me welcome you all today and welcome Delegate Norton, who is here. Always glad to see her, and also members of the D.C. bench and the D.C. Bar who are here. We would like to welcome them as well. Thank you very much for coming. Good to see you. Let me begin by thanking Ranking Member Mary Landrieu for joining me in holding today's hearing. This is a great opportunity. An opportunity for us to learn, learn and discuss the District of Columbia Superior Court Judge's proposal for the Family Court Division. I certainly appreciate the Judge's efforts, and I know they have spent a great deal of time and effort on this, and I believe that our hearing today will be constructive and will give us the opportunity to ask a lot of the questions, and find out what we can do, what this subcommittee can do, what this Congress can do to help bring about reform in the District's court system.

As I said at the first hearing of this committee, and I'll probably say it at every hearing of this committee, there are many things going on in the District of Columbia. There are many areas where this committee has jurisdiction, but there is nothing that is more important than the children of the District of Columbia, and we will continue to spend our time and concentrate on this, and our

goal is to be as helpful as we can in the areas where we have some responsibility.

Let me also thank and acknowledge Judge King and Judge Walton for their work in putting together this proposal. Let me also thank Judge Grossman, who I have known for many years who presided over the Hamilton County Juvenile Court in Cincinnati in 1976, until he retired in 1998. His extensive experience with juvenile courts will add considerably to our hearing today.

Let me also remind all of our witnesses that the full text of your statements will be made a part of the record. Without objection, we will do that. We would like to limit your opening statements to about 5 minutes. We are not going to hold you to that completely, but if you could aim for 5 minutes, then that will give us a good opportunity to have some questions. Without objection, the record will remain open until 5:00 p.m. on Thursday, May 24th for the submission of any additional testimony or responses to questions that members have for our witnesses.

All of us who are here today know that family court judges are making tough, life-changing decisions every day. These are very, very difficult under the best of circumstances. I learned this first-hand nearly 30 years ago, when I was serving as an assistant county prosecuting attorney in my home county in southwest Ohio, Green County, and my job was to represent the local children's services, and we have some very, very difficult and very heart-wrenching cases. I witnessed then that frankly too many of the cases drag on and drag on endlessly and needlessly, leaving children trapped in temporary foster care placements which often entail multiple moves from foster home to foster home to foster home for years and years and years.

Such multiple placements and the lack of permanency for these kids is abuse really in its own right. And while children in the social welfare system come in contact with many individuals from social workers, lawyers, probation officers, and many others, it is really the judges who ultimately are responsible for the safety and security of these children. It is the court system. It is the judges, who have the ultimate responsibility. And they really are the key player, the player that has to bring all the other elements in the system together.

And one of the things that we are going to look at in this plan is that particular aspect, and whether or not the judges will have the ability to be the dominant player to pull everybody together and to get good results. Judges certainly have an obligation, an obligation to make sure that no child ever becomes entrenched in the system, that no child is reabused by the very system designed to protect him or her.

We, too, in Congress have an obligation, and that is to ensure that these judges are trained properly and have the resources to do that, and that they can feel confident about their decisions. That is one of the reasons we are holding this hearing today. We are here to examine the judges' proposal to determine what they see as best practices, and to find out more about the resources that they need to do their jobs and improve the Family Division of the court.

Nothing illustrates more vividly the need for a properly functioning child welfare system and court process than the tragic case involving Brianna Blackmund. This is a familiar case and illustrates the persistent problem plaguing the District's child welfare system and the court division. Could this tragedy have been prevented? Well, we think it could have. In the aftermath of Brianna's death, D.C. Superior Court judges told *The Washington Post* about the agony they feel in making child welfare decisions. One of the judges quoted in an article said this, and I quote, "These cases are for me the most difficult thing we do. We feel the least trained and skilled at it."

We have to do something about that. We must do whatever it takes to make sure that the District has the best court system possible so that Brianna's death is not in vain. One of the reasons I fought so hard to get Senate passage of the Adoption and Safe Families Act, which became law in 1997, was to ensure that the safety and interest of children in the court system, like Brianna, are always paramount.

While this law represented a fundamental change in the culture of child welfare law as we knew it, we also knew at the time that this law was not a quick nor a complete fix. We knew that a law that simply tells judges that the health and safety of children must be paramount and that sets certain time frames would not necessarily mean that every decision would be a correct decision, and we knew that to get the right decision, the judges would have to have the right resources.

To get where we wanted to go, proper training must be available, so the law can become an effective part of a judge's decision making process. That is why last year I introduced the Strengthening Abuse and Neglect Courts Act which is also now law. This new law invests in computerized case tracking systems and programs to reduce pending backlogs of abuse in neglect cases. The law also allows judges, attorneys, and court personnel to qualify for existing training programs, and would expand the CASA program to underserved and urban areas, so that more children are able to benefit from its services.

Today, part of our oversight responsibility as members of this subcommittee is to determine if the District has the resources necessary to meet its training needs. Does the District have what it needs so that the courts cannot only comply with the goals of the Adoption and Safe Families Act, but also can have the ability to make additional changes in the Family Division? That is the question for us.

It is my hope that we can answer that question today, and discuss whether current budgetary resources are sufficient, and if they are being used effectively and appropriately to get the job done. We must review the District's proposed budget with close Congressional scrutiny to ensure that any dollars that flow into the Family Division are used for the proper protection of the children involved.

Ultimately, I believe that we all share, we all share the common objective ensuring that children and families in contact with the judicial system are not traumatized by this experience. The wonderful thing about family law is its focus on rehabilitation. More im-

portantly, the rehabilitation of families. Where there are families going through a divorce or dealing with a troubled teenager in the juvenile system, or bringing in a new family member through child adoption, the Family Division must have the resources and the expertise to address all issues in a timely, accurate, and supportive manner. In the process, we must never, ever lose sight of our responsibility to the children involved. Their needs and their best interests must always come first. And today I believe we are putting children first in taking a step forward on their behalf.

Let me thank our witnesses and let me turn now to the Ranking Member of our subcommittee, Senator Landrieu.

#### STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman, and welcome to all of our panelists and to Congresswoman Norton and I want to thank you, Mr. Chairman, for your—for your focus and your work in this area. I don't know if everyone here gathered realizes that besides being the chairman and most able member, he is also a father of eight children, which is quite, by any standard, a large family, and continues in his work in the Senate, to be so focused on these issues that help not only his own State, but all of our States, and the District. So I really appreciate your leadership, Mike, and look forward to working with you on this.

I also want to especially recognize the leadership of Representative Eleanor Holmes Norton, who is here this morning, and Majority Whip Tom DeLay, who have dedicated a tremendous amount of time and passion to this issue. Their combined efforts have helped to move us a great deal toward achieving our common goal, protecting the best interests of our children here in D.C., and I want to thank them for their outstanding leadership on this issue.

I also want to recognize that the shadow Senator of D.C. is here, Senator Strauss. We welcome you and with your background as an attorney who practices family law, I know that you will have a great deal to offer in this endeavor, so I want to thank you for being here.

It is my hope that we can continue to move forward with the help of the District. We must attempt to fashion a plan that is built upon some of the best practices in the country on family courts throughout the country. This is not to say that what works elsewhere must also work in D.C., because D.C., like every other State, is unique. Their residents, their system, their challenges, their strong points, make them distinct from other jurisdictions in the country.

Recognizing this, Mr. Chairman, and members here, I think we should attempt to use examples set by other jurisdictions as a blueprint, not a boilerplate, for effective reform. It is also important to note that there is more than one approach to court reform. Successful family courts have been found incorporated within the jurisdiction of trial courts, as well as stand-alone family courts. Instituting reform should take into account the varied examples in other cities, the needs and desires of the District and the critical needs of the families in D.C.

The court must have thoughtful practices and support mechanisms in place to provide for the newly created family court

branches. This, the judges' proposal, and I thank you all for being here to present that proposal today, marks an important step in this process. Having reviewed this proposal, I believe it reflects a genuine interest in doing what's right for the children of D.C. As an enthusiastic adoption advocate, and believe me, the chairman and I are both in that category, I commend the court for its focus on permanency for abused and neglected children in the District, and want to reiterate my strong support for the Adoption and Safe Families Act as a co-sponsor of that act and again recognize the chairman's leadership.

As the number of abused and neglected cases filed in the court increase, it is imperative that the infrastructure, staff support and expertise be in place to ensure that children and families are supported throughout the process. I appreciate that the courts are working with the Council for Court Excellence to develop reform consistent with best practices, and I look forward to the possibility of hearing from the Council in the future. I encourage you all to reach out to as many experts as possible, as we continue to help shape this reform.

In speaking with other jurisdictions, it is also important that we not only look at their success, but that we also look at the continuing challenges. I am concerned that judges in family court sometimes tend to have less resources and as a result, can sometimes be neglected. I don't want to see that happen here as we shape this reform. We must have the right resources to back up whatever we do.

Further, the court's request for substantial capital funds to renovate existing courthouses is notable. You have got to have the facilities that help us to carry out these reforms. But I also want to stress that it is more than just adequate facilities that are going to make this reform successful. The court's proposed target, reform target, resources—the court's proposed reform targets resources as some of the key areas identified by the D.C. Child and Family Services Agency, and the Center on Court Excellence.

I am particularly interested in attempts to alleviate the stress on staff by hiring more personnel and training all staff to the unique challenges of dealing with children and families in crisis. Additionally, I think that a significant investment in the court's facilities, as I said, is also necessary in balance with the above.

I also believe it is important that judges, and this might be the most important thing to me, that the system that we create, that the judges self-select, or enthusiastically volunteer to do this service. I think it is important, Mr. Chairman, that we have people that really want to do this because when you want to do something, you do it very well, and are willing to spend whatever time it takes. So I hope that whatever reform, we most certainly would put an emphasis on the judges being enthusiastic about that role. It is the judges who are charged with some of the most difficult of life's decisions in these cases. If we do not do all that we can to ensure that they have the necessary training and support to help them make these decisions, then we are not meeting our obligations together trying to help the children that we all want to serve.

I also think it is important, whatever reform effort that we shape, that the court be established in such a way so that the cases

have consistency of jurisdiction, so that the same cases appear before the same judges for as much or as long as possible so that the judges have become more and more familiar and the cases do not find themselves bumped between judges and between courts, which is a problem in my home State, as well as in other places.

Finally, I am glad to see that the court's proposal addresses many of the difficulties outlined during this subcommittee's first hearing with the child and family services agency. Staff shortage, inefficient data tracking system, and the challenges for social workers. Let me also reiterate my strong support for CASA, Court Appointed Special Advocates, how effective I find them to be, visiting with many members of the Senate and the House in various jurisdictions. Regardless of the way the courts are structured, CASA workers seem to be able to do a pretty good job, Mike, wherever they find themselves, so I want to be very supportive in our reforms of that particular organization.

So again, I am pleased at the progress of this effort. I think that there are many strong points in this proposal, but Mr. Chairman, I most certainly look forward to working with you in a bipartisan way, in a bicameral way to create the kind of reform that will be meaningful for the children that we all hope to serve. Thank you all.

Senator DEWINE. Thank you very much. Let me invite our three witnesses to come up and as you come up, I will introduce you. Judge King, Rufus King, was designated Chief Judge of the Superior Court of the District of Columbia in September, 2000. He was appointed to the Superior Court in 1984, where he served in all divisions of the court. Among his many other D.C. bar and core activities, Judge King has chaired the Domestic Violence Coordinating Council in the Superior Court Child Support Guidance Committee.

Judge Reggie Walton was appointed to the District of Columbia Superior Court bench in 1981. He currently serves as the presiding judge of the Superior Court's Family Division. Judge Walton has actively worked with the youth of both the District and the Nation. He has served as a Big Brother and frequently speaks throughout the Nation on problems of drugs, crime, and personal responsibility.

Judge David Grossman, retired May 31, 1998 as presiding administrative judge of Hamilton County Juvenile Court, Cincinnati, Ohio, where he was a judge since 1976. He is past president of the National Council of Juvenile and Family Court Judges. He is past President of the Ohio Association of Juvenile and Family Court Judges. We welcome the three of you. Thank you very much, and Judge King, why don't we start with you, and we have your opening statement, which will be made a part of the record. And we will ask you to proceed for 5 minutes or so.

#### STATEMENT OF JUDGE RUFUS G. KING, III

Judge KING. Thank you, Mr. Chairman. Senator Landrieu and members of the subcommittee, I am Rufus King, Chief Judge of the Superior Court of the District of Columbia, and I am joined, as has been noted, by Judge Reggie Walton, presiding judge of the Family Division. Thank you for calling this important hearing to discuss



the issue of the Court's plan for reforming the Family Division to enhance the safety of abused and neglected children. I am aware that both the chairman and the Ranking Member have a special concern for the safety of children, and families, and I welcome your interest. The Superior Court of the District of Columbia was established as a unified court by the District of Columbia Court Reform and Criminal Procedures Act of 1970. By statute, the court is comprised of 5 major divisions, Civil, Criminal, Family, Probate, and Tax.

Several of the Court's divisions have received national recognition. The Civil Delay Reduction project has served as a national, and more recently international, model for expediting civil cases. The Court's domestic violence unit, combining family, civil and criminal cases in one set of calendars was awarded the Council of Court Excellence's Justice Potter Stewart Award. The Family Division has been selected as a model unified court program by the National Council of Juvenile and Family Court Judges. Since before taking office as chief judge, I have stressed that reform of the Family Division would be the highest priority.

In January, I asked Judge Walton to set up working groups to examine the best practices and use around the country for serving families, and to consult experts in the field and develop recommendation for the Family Division of the Superior Court. These working groups consist of members of the bar, social workers and other stakeholders. In the mid-1990s, neglected and abused children began entering the District of Columbia child welfare system in alarming numbers, three times higher than a decade earlier, despite a decline in the District's population. This disturbing trend is continuing with new filings now projected at over 1,600 per year, a 15 percent increase over even last year. In addition, the Court is responsible for more than 4,500 children in existing cases.

In addition to reforming the Family Court, we look forward to strengthening our working relationships with the new director and staff of the District of Columbia Child and Family Services Agency, and Mayor Williams, as he assumes control of that agency and seeks to improve its performance. The plan we are developing calls for a strengthened, unified Family Court Division with a new Permanency Branch. This branch will be a separate unit located in one part of the courthouse where all cases involving abused and neglected children will be heard and retained.

Judges who are now assigned for 1-year terms will be assigned for minimum terms of 3 years with the option of extending their service indefinitely. Magistrate judges will be hired for four-year assignments to the Permanency Branch, again with the option of extending indefinitely. We believe this structure best addresses the need for extended terms while—while strengthening our ability to attract lawyers of the highest caliber to enter this field of work.

#### PREPARED STATEMENT

With the support and resources of the Court and the city agency, I believe this approach will encourage the emergence of leaders in this field who choose to make it their life's work and whose efforts are so essential to enhancement of the Court's ability to safeguard children and families in trouble. The full plan and list of required

resources are included with my extended remarks for the record. Mr. Chairman, Senator Landrieu, thank you for the opportunity to address the Court's Family Division reform plan. Judge Walton and I will be happy to answer questions in greater detail.

[The statement follows:]

PREPARED STATEMENT OF RUFUS G. KING, III

Mr. Chairman, Senator Landrieu, members of the Subcommittee: I am Rufus G. King, III, and I am appearing in my capacity as Chief Judge of the District of Columbia Superior Court. I am joined today by Judge Reggie B. Walton, Presiding Judge of the Family Division.

Thank you for calling this very important hearing to discuss the District of Columbia Superior Court's plan for reform of the Family Division to enhance the safety of abused and neglected children. I am aware that both the Chairman and Ranking Member have a special sensitivity to the matter we are about to discuss, and I welcome their interest.

The Superior Court of the District of Columbia was established in its current configuration as a unified court by the District of Columbia Court Reform and Criminal Procedure Act of 1970. Statutorily, the Court is comprised of 5 major divisions: Civil, Criminal, Family, Probate, and Tax. Several of the Court's divisions have received national recognition. The Civil Delay Reduction Project has served as a national model for expediting civil cases. The Court's Domestic Violence Unit, combining family, civil, and criminal cases in one set of calendars, was awarded the Council of Court Excellence's Justice Potter Stewart Award. The Family Division was selected as a model unified court program by the National Council of Family and Juvenile Court Judges of the National Judicial College.

At the time of my investiture as Chief Judge, I indicated that reform of the Family Division would be one of my highest priorities. Subsequently, I appointed Judge Walton presiding judge of the Family Division and asked him to set up working groups to examine the "best practices" for serving families around the Nation, to consult experts in the field, and to develop recommendations for the Family Division at the D.C. Superior Court. These working groups consist of members of the bar, social workers and other stakeholders. The purpose of my testimony today is to relate to you various aspects of the Family Division Reform Plan that arose from these working groups. The plan has also been presented to the Mayor and the City Council.

In the mid 1990's, neglected and abused children began entering the District of Columbia Child Welfare system in alarming numbers; three times higher than a decade earlier, despite a decline in the District's population. This disturbing trend is continuing. In addition, in over 60 percent of cases now being filed, the child is over the age of seven, making adoption less likely and the need for special services more pressing. Last year, 1,500 children's cases were filed and this year a 15 percent increase in new cases is expected. The Court is responsible for more than 4,500 children in existing cases.

The magnitude of this caseload compels me to take steps to address the problem as soon as possible. I have therefore determined that some steps, which I will discuss shortly, can be taken immediately, within existing law and resources.

In addition to reforms within the Court, we look forward to forging new working relationships with the staff of the District of Columbia Child and Family Services Agency and Mayor Williams, as he assumes control of that Agency and seeks to improve its performance.

FAMILY DIVISION REFORM PLAN

The Reform Plan takes a team management approach, which is proven highly successful in other jurisdictions. The teams include professionals who will monitor each child's case and expedite its progress through the Court. The Reform Plan emphasizes using alternative dispute resolution, where safe and appropriate, to place each child in a permanent home within ASFA time limits and in a non-adversarial setting. The Reform Plan also stresses increasing accountability on the part of judicial officers for the results in each child's case.

Key elements of the Reform Plan include—

—*Family Court Within a Unified Superior Court.*—Comprehensive information about a family, including criminal cases, civil cases, and probate cases is essential for the judge or magistrate to make the best possible decision for each child. Maintaining a unified court optimizes the flow of this vital information, alleviates the judicial burnout that can affect a separate family court, eliminates the

costs for duplicative administrative functions, and enhances the Court's ability to provide comprehensive services for the child.

- Judicial terms in the Family Court.*—Voluntary service and renewable three year terms are essential to ensure that Family Court judges are and remain truly interested in family issues and want to dedicate significant time to children. Judges who wish to renew their terms may remain for many years, but those who desire a different assignment may rotate after three years without sacrificing judicial continuity and enhanced specialization within the family court. The ABA stresses that no one model is best for all jurisdictions, and we are aware that court systems in many States provide different terms. The three year, extendable terms in our plan optimize increased specialization and appeal to lawyers considering service as a judge on the Family Court in the District of Columbia.
- Training.*—Enhanced training on abuse and neglect “best practices,” case management, and related areas will develop the specialized knowledge base and up-to-date skills judges, magistrate judges, and staff must possess to make the best decisions for each child.
- Accountability.*—Standards will be implemented for case management and for attorney practices. The standards will be based upon leading court performance standards now in use throughout the Nation.
- Technology.*—Critical to the success of the Reform Plan is the establishment of an automated Integrated Justice Information System (IJIS). IJIS will provide comprehensive information on each child's family, including, for example, a parent's (or household member's) pending drug charges. It will also permit the Court to implement more effectively the “one family, one judge” concept (assigning all family cases involving a child and his or her family to the same judge) by linking existing cases to new ones related to the same child.
- Child Protection Mediation.*—When mediation is safe and appropriate, involving parents in discussions about their child's future produces better results for the child. Parents are often more cooperative with parenting classes or rehabilitation efforts in a permanency plan that they have helped negotiate. Our preliminary mediations have enjoyed a very high success rate, and the Council for Court Excellence is assisting with grant funds for a larger project.
- Staff.*—The team approach requires additional judges, magistrate judges, special masters, case managers, courtroom clerks, and other support staff with the expertise to work together to make prompt decisions in the best interests of each child.

We are continuing to refine the Reform Plan. A copy of the current draft is attached. A preliminary cost estimate has been transmitted to the Committee. It involves approximately \$45 million at the outset, including \$32 million in one-time renovations and equipment purchases and a continuing level of funding of \$13 million and 74 personnel on an annual basis.

#### *Immediate Steps*

Unfortunately, as children age, the possibility of adoption becomes increasingly remote. Accordingly, I have taken the following several steps, which can be accomplished within existing resources, to expedite the Court's Family Division Reform Plan:

- Judicial Terms*
  - I have asked sitting Superior Court judges to volunteer for minimum three-year terms in the Family Court. As volunteers come forward, I will rotate them into the Family Division.
  - I have assigned an additional judge to the Family Division, effective June 11, following specialized family training at the National Judicial College in Reno, Nevada.
- Training in May, 2001*
  - Superior Court judges attended two full days of training on child abuse and neglect law. Numerous experts participated, addressing topics such as assessing risk of abusing parents, the Adoption and Safe Families Act (ASFA), and child development.
  - Family Division staff attended training on meeting ASFA standards and child protection and welfare.
- Technology.*—I have modified the plan for the IJIS system to fully automate the Family Division in the first year of implementation and redirected technology grant funds to support this project. Once funding is available, implementation can begin immediately.

- Family Waiting Room.*—I have directed that space within the Courthouse be reconfigured to provide a child-friendly area for waiting families and social worker conferences.
- Attorney Practice Standards.*—I have directed the development of Attorney Practice Standards for abuse and neglect cases; the standards are under review by the Bar, and after their input has been addressed, they can be implemented within 90 days.
- National Model Court Project.*—I have secured assistance from the National Council of Family and Juvenile Court Judges Model Court Project of the National Judicial College. As a participating model court project, the Superior Court will receive technical assistance with case management techniques, training, and strategic planning.

#### *Children Already in the System*

Most of the 4,500 children for whom the court is responsible are unlikely to be adopted, and it will be very difficult to place many of them in permanent homes. The majority of children enter the system at age seven or older, when adoption is increasingly unlikely. Children with special needs (health problems such as neonatal drug addiction and HIV, emotional or behavioral issues) and, often, minority children are difficult to place in permanent homes at any age.

The Court's Reform Plan calls for three teams of special masters to review all pending children's cases to determine whether a permanent placement is possible. Other jurisdictions that have reformed their family programs have been able to reduce pending caseloads by about half. We will certainly strive for similar results in the District of Columbia. In the meantime, their number requires that they be assigned to judges who are not in the family division. Many judges have come to feel that they are the only constant in the children's lives and want to continue to maintain responsibility for their cases. However, in order to assure the most effective management and closure of these cases, only judges who ask to retain the cases and who are willing to take ongoing training will be permitted to do so. The Court believes this arrangement will best meet the needs of those children with existing cases for whom a permanent home cannot be found.

In Summary, we believe the Reform Plan will enable the Court to better fulfill its role in the safeguarding of children and families. The plan will require a substantial increase in resources devoted to the Family Court to best provide the attention and supervision of services that all District of Columbia children and families need and deserve and that are essential to breaking the cycle of abuse and neglect, juvenile delinquency, adult criminal behavior and abuse and neglect in the next generation. Pending the availability of additional resources, the Court will proceed with improvements that can be implemented using existing funding and other resources.

Mr. Chairman, Senator Landrieu, thank you for the opportunity to explain the Court's Family Division Reform Plan. Judge Walton and I would be happy to answer any questions you may have.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FAMILY COURT REFORM PLAN (DRAFT)

#### UNIFIED FAMILY COURT

Maintain and enhance separate, specialized Family Court as a division within unified Superior Court to: (1) respond to serious concerns recently expressed about tragedies affecting children, (2) achieve permanency for children expeditiously and (3) ensure cost efficiency by utilizing existing courtwide infrastructure and administrative staff.

#### ASSIGNMENTS

Assign judges who volunteer for service in the Family Court for three year, extendable terms

Stagger terms to ensure continuity and expertise

Appoint magistrate judges to serve four years, which is the duration of their term of office, and permit reappointment

Fill judicial vacancies in Family Court immediately with volunteers from other divisions of the Court.

#### SPECIALIZATION

Establish holistic, team-based approach to abuse and neglect cases to secure continuity of care and swift permanency placement: Form three case management teams within the Permanency Branch, each consisting of one judge and three magistrate judges with expertise in child welfare, and assisted by attorney advisors, a

psychiatrist or child psychologist, law clerks, administrative personnel and special masters.

Provide space for an office within the Court staffed by representatives from District of Columbia agencies which provide needed services to abused and neglected children and their families.

Permanently assign all new abuse and neglect cases to the Family Court to enhance family case coordination, quality control and case scheduling.

Support and work with a coordinating council which brings together all child welfare stakeholders (including CASAs and bar members) on a regular basis to ensure open channels of communication and resolve issues regarding the delivery of services to the children and community.

#### MAGISTRATE JUDGES

Appoint magistrate judges with expertise in family law and trained by court-appointed experts, to be responsible for initial hearings, assessing the needs of the children and families, and resolving cases assigned to them by the judges presiding over the teams.

Under the supervision of the judge, oversee the work of case management teams and ensure the delivery of court-ordered support services.

#### 4,500 CASES CURRENTLY UNDER REVIEW BY JUDGES

Return to the Family Court all cases not retained by judges for distribution to special case management teams during transition.

Divide cases under review into three groups for those judges who volunteer to retain their current cases during the transition. Review groups to be staffed with special masters and case coordinators to assist the judge in achieving ASFA compliance and permanency for the child.

Schedule reviews into specified time periods to accommodate CFSA social workers.

#### TRAINING

Require quarterly training for all judges, magistrate judges and support professionals on abuse and neglect issues, including ASFA compliance, and additional specialized training for those assigned to the Family Court.

Enhance training for court-appointed guardians ad litem (GAL) and parents' attorneys by child welfare and trial practice experts.

#### CHILD PROTECTION MEDIATION

Implement expanded child protection mediation among parents, the Office of the Corporation Counsel, the District's child welfare agency, the GAL and all other relevant parties and representatives, where safe and appropriate, to achieve early case resolution.

#### SYSTEM ACCOUNTABILITY

Increase management capability, accountability and reporting through enhanced access to data and case outcome information, and the adoption of appropriate standards for case resolution.

Implement integrated case management system to track and monitor cases involving family or household members across all court caseloads to permit judges and team members access to comprehensive information before making placement decisions.

#### SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FAMILY COURT REFORM PLAN

Growing caseloads, new mandates applicable to courts through the passage of the landmark Adoptions and Safe Families Act (ASFA), and recent developments have made it incumbent on the Superior Court to improve the management, supervision and resolution of cases involving children and families in the District of Columbia. The Superior Court has developed a comprehensive plan for reform of child abuse and neglect cases.

Abuse and neglect case filings at Superior Court have risen steadily over the last two decades. On average, 1,500 cases are filed with the Court each year. Moreover, based on case filings since January 2001, the Court expects an increase of 15 percent this year in the abuse and neglect area. In addition, 4,500 cases are subject by law to review and represent a substantial workload of the Court.

This proposal provides an outline of the major components of the Superior Court's reform initiative. The Court is committed to achieving timely permanency for abused and neglected children. Reform, however, is a multi-year process that requires sustained commitment and adequate resources.<sup>1</sup> The Court looks forward to working with Congress and the District in implementing needed reforms for the welfare of children.

#### *Unified Family Court*

The existing Family Division will be redesignated as the Family Court, a division of the Superior Court. The Family Court will consist of the following branches: Child Abuse and Neglect/Permanency Branch (hereinafter "Permanency Branch") (covering abuse and neglect, adoption and termination of parental rights (TPR) cases as well as the Counsel for Child Abuse and Neglect (CCAN) and a Family Drug Court); Domestic Relations Branch (addressing divorce and custody and including the Marriage Bureau); Juvenile Offender Branch (juvenile delinquency court and Juvenile Drug Court); Mental Health and Retardation Branch; and Paternity and Child Support Branch. A Presiding Judge, Deputy Presiding Judge and Director will oversee the Family Court for administrative purposes.

The Permanency Branch will be organized into six (6) calendars: three (3) for abuse and neglect cases; one calendar for adoptions; one for TPR cases; and one calendar for permanent custody and guardianships for abused and neglected children (in order to allow these cases to be filed and resolved expeditiously, as required by law). A judge and team of magistrate judges<sup>2</sup> will be assigned to each calendar.

#### *Assignment of Judges*

Judicial assignments to the Family Court will be a minimum of three years. This represents a substantial increase in the duration of a current assignment to the Superior Court's Family Division. Preference will be given to judges who volunteer for the assignment. Judges may volunteer to extend their service in the Family Court beyond their initial three-year assignment. As resources and support for judges in the Family Court are put into place, it is anticipated judges will volunteer to serve extended terms, thereby ensuring the involvement of those judges most committed to presiding over child welfare matters.

The Chief Judge retains discretion to re-assign judges in and out of the Family Court when extenuating circumstances require and it is in the best interests of the children.

The three-year assignment will be staggered to maintain a complement of experienced judges in the Family Court.

#### *Specialization*

Abuse and neglect cases will be assigned to teams of judges, magistrate judges and other professionals. Each of the three teams in the Permanency Branch will consist of the following individuals with expertise in permanency case resolution: the judge, three (3) magistrate judges, a special master and a case coordinator.

The teams will be further assisted by permanent attorney advisors and specialized law clerks (to maintain compliance with ASFA, the Interstate Compact on Placement of Children (ICPC) and other Federal and local statutes), a psychiatrist or psychologist from the Superior Court's Child Guidance Clinic, and an appropriate number of administrative support personnel (e.g., law clerks, secretaries and other clerks). The team approach has been used in other jurisdictions as a best practice and has resulted in expedited case resolution, improved case monitoring and oversight, and improved communication with parties.

Support professionals assigned to each team will be responsible for: (1) monitoring the progress of each abuse and neglect case towards permanent resolution; (2) serving as liaisons with CFSA social workers; (3) monitoring and verifying compliance with court orders; (4) reviewing all court actions for compliance with ASFA and other statutes; and (5) filing compliance reports in consultation with attorney advisors.

When a judge's assignment in the Family Court is completed, he/she may volunteer to continue in the assignment. If the judge is reassigned outside of the Family Court, all cases assigned to him or her will remain in the Permanency Branch, except in an extraordinary circumstance as approved by the Chief Judge and consistent with ASFA. In each such case, the judge will remain part of the original case management team in the Permanency Branch.

<sup>1</sup> According to a recent report of the Council for Court Excellence, successful family court reform efforts in Cincinnati, Ohio took 10 years and those in Chicago, Illinois have taken six years to-date.

<sup>2</sup> Currently, Court positions of this type are referred to as "Hearing Commissioners."

### *Magistrate Judges*

Magistrate judges, with expertise in family law and appointed for four-year, renewable terms, will be responsible for intake of new cases and resolving cases assigned to them by the presiding judge of the team. Where agreements cannot be reached, trials will be conducted by the judge or magistrate judge, depending on the complexity of the case and other circumstances.<sup>3</sup> Magistrate judges should have the power of contempt, which would give them the authority to enforce their own court orders.

Under the supervision of the judge, magistrate judges will oversee the work of case management teams and ensure the delivery of court-ordered support services.

Until permanency is achieved, the judge, magistrate judges and other members of the case management team will hold periodic case conferences at least quarterly.

### *4,500 Cases Currently Under Review by Judges*

During the transition, the pending caseload will be screened to identify barriers to permanency and to develop a strategy and timeline for resolution. Three (3) special case management teams will be established, with each group having approximately the same number of cases. If a judge does not volunteer to retain review cases, they will be returned to the Permanency Branch and assigned to a case management team for resolution.

Each case management team, consisting of a special master and case coordinator, will perform similar functions as are performed for the abuse and neglect teams working in the Permanency Branch. Each team will be assisted by two attorney advisors and appropriate support professionals. They will provide expert advice and support to judges by monitoring compliance with ASFA, other applicable laws and court orders.

### *Training*

The Court will expand training for judges, magistrate judges and case management personnel who will participate in Court-sponsored, in-service training on abuse and neglect issues at least quarterly, in order to stay abreast of the current state-of-knowledge in the field of child welfare, including neglect and abuse. Additionally, judges will be encouraged to remain updated in that field through professional reading, training at the National Judicial College and other relevant workshops. The assistance of expert trainers, such as individuals from the National Council of Juvenile and Family Court Judges, the ABA's Center for Children and the Law, and the National Model Court Project (of which the Superior Court has been selected as a member), will be sought to plan and facilitate the training. The Court will participate in joint training with CFSA workers, the Office of Corporation Counsel and managers.

Similarly, the Court will assume a leadership role in enhancing the court appointed guardian ad litem (GAL) and parents' attorney training. Training will be required of all attorneys who practice in this area before the Family Court. It will be given by child welfare and trial practice experts, and experienced judges. The training will include substantive legal areas in the field of neglect and abuse as well as the law of evidence and other trial practice issues.

If funding is available, payments to attorneys will be increased in order to retain competent counsel and prevent attrition in the CLAN Bar. In an effort to expand the pool of available attorneys, a recruitment effort will be undertaken, targeting attorneys with expertise in family law, particularly in the area of abuse and neglect. The Court will coordinate training programs with area law schools and legal clinics in the child abuse and neglect area. In addition, the Court will implement a requirement that all attorneys who wish to be appointed to a separate panel of GAL attorneys, must first have represented parents in a designated number of cases or must have completed specified training.

### *Coordination*

To ensure that information about services is readily available, the Court will provide space on site to be staffed by representatives from District of Columbia agencies that provide needed services to abused and neglected children and their families. This may include, at a minimum, representatives of the Office of Corporation Counsel, District of Columbia Public Schools, the District of Columbia Housing Authority, the Child and Family Services Agency, Court Appointed Special Advocates

<sup>3</sup> Currently legislation governing the authority of hearing commissioners requires the consent of the parties before such an individual may try a case. The Court recommends that this be changed to allow magistrate judges to conduct trials of less complex neglect and abuse cases.

(CASA), District of Columbia Commission on Mental Health and the Addiction Prevention and Recovery Administration, or their equivalents.

Where applicable, a judge or magistrate judge from the Superior Court's Domestic Violence Unit will be included on the abuse and neglect team in order to enhance the Family Court's multi-disciplinary approach to case resolution and to permit better coordination of cases involving a family unit.

Coordination of case management will also occur with the Juvenile Offender Branch and a liaison will be developed between the team magistrate judge in the Permanency Branch and the Court's Social Services Division, (the District's juvenile probation department). The purpose is to coordinate all cases in which a child is before both the neglect and juvenile systems. This will allow the Family Court to choose among the alternatives in both systems.

The Court will support and work with on a regular basis a coordinating council which brings together all child welfare stakeholders (including representatives of the Mayor's office, CFSA, CASA, and bar members). The Court will work to replicate the success of the District's existing Domestic Violence Coordinating Council and the Criminal Justice Coordinating Council.

#### *Child Protection Mediation*

To encourage early settlement of dependency cases, the use of child protection mediation will be considered for use in all cases, where safe and appropriate. The process will include parents, the Office of the Corporation Counsel, the District's child welfare agency, the GAL and all other relevant parties and representatives.

#### *System Accountability*

To foster informed and effective decisions concerning a child's welfare, the Court must have the ability to coordinate information concerning a child's status in the juvenile and neglect system with the criminal and mental health status of a parent or other person residing in the household or with any pending child support or domestic violence cases involving either the custodial or non-custodial parent. Such interfacing capacity does not currently exist at the Court and has been identified as a critical need in a recent extensive study of the Superior Court's infrastructure conducted by the National Center for State Courts.

Accordingly, the Court will implement an integrated justice case management system (IJIS) to properly track and monitor family and other cases in which a family member may be involved in order to ensure that all decision-makers within the Court have access to comprehensive information to make decisions about placement, child safety and well-being.

The needed integrated justice information system also would be capable of responding to requests for aggregate information for various quality assurance and management reports concerning caseloads and workflow.

The Court will use the National Center for State Court's Trial Court Performance Standards (e.g., Access to Justice; Expedition and Timeliness; Equality, Fairness and Integrity; Independence and Accountability; and Public Trust and Confidence) to guide practice in the Family Court. The Court will also examine the use of time standards set forth in existing Federal and local law and differentiated case management techniques to optimize case processing timeliness and effectiveness.

The Court will establish a working Implementation Committee consisting of representatives from the Family Court, Office of the Corporation Counsel, CFSA, and the attorneys who represent parties in abuse and neglect cases. The Committee will be responsible for implementation and oversight of the Court's reforms initiatives.

#### *Scheduling*

To improve calendaring practices and scheduling, the Court will work with CFSA to schedule review hearings on days and at times that will maximize social workers' time in the field and minimize their time in court.

#### *Improved Facilities*

The Court is committed to allocating sufficient space to family matters and will request the funding necessary to do so. The Court seeks to establish a child-friendly waiting room for families and social workers, increase the number of courtrooms for family proceedings, and will seek to consolidate all family-related offices and functions to a centralized court location (including the Court's existing Child Care Center for litigants and witnesses, the Supervised Family Visitation Center and the Crime Victims Compensation Program).

#### *Other Initiatives*

The Court will continue to seek funding, under the U.S. Department of Justice's Family Drug Court Planning Initiative and Grant Program, among other sources,



to establish a Family Drug Court to address the substance abuse problems which are increasingly associated with parents and children involved in abuse and neglect cases, and which serve as a barrier to achieving permanency expeditiously for children.

#### *Resources*

A preliminary analysis indicates that a full range of budget resources will be needed to institute these reforms. The additional resource needs of the Court are outlined in Attachment A.

#### ATTACHMENT A.—*Resources for Child Abuse and Neglect/Permanency Branch Reforms*

##### Staffing (Recurring Costs):

##### Judges and Support Staff:

3 Judges (i.e., for additional calendars for: Neglect, Guardianships and Permanency in Neglect; TPR/Adoptions) .....	\$539,772
3 Law Clerks .....	149,865
3 Judicial Secretaries .....	164,988
3 Courtroom Clerks .....	136,359
3 Calendar Clerks .....	111,474
Total (15) .....	1,102,458

##### Magistrate Judges and Case Management Teams (3 teams):

9 Magistrate Judges .....	1,489,770
3 Special Masters .....	326,853
3 Case Coordinators .....	164,988
2 Attorney Advisors .....	156,764
3 Law Clerks .....	149,865
6 Secretaries .....	272,718
9 Courtroom Clerks .....	409,077
9 Calendar Clerks .....	334,422
3 Calendar Coordinators .....	150,165
Total (47) .....	3,454,622

##### Family Court and ADR Support Staff:

2 Family ADR Case Managers .....	99,910
2 File Clerks .....	53,626
1 Calendar Clerk .....	37,158
1 CCAN Reappointments Clerk .....	37,158
1 CCAN Eligibility Clerk .....	37,158
1 ADR Secretary .....	45,453
Total (8) .....	310,463

##### IT and Other Support Staff:

1 Database Administrator .....	<sup>1</sup> 92,624
1 Applications Manager .....	78,382
1 Database Support/Programmer .....	<sup>1</sup> 78,382
1 Statistical Data Analyst .....	54,996
Total (4) .....	304,384

Total Staffing (74) (Recurring) ..... <sup>2</sup> 5,171,927

##### Contractual and Other (Recurring Costs):

CCAN Rate Increase .....	<sup>1</sup> 797,000
IRS Database Support and Maintenance .....	<sup>1</sup> 275,000
Mediator Stipends (\$100 per session; 2 sessions per case; 2,500 cases) .....	<sup>3</sup> 500,000
Mediator Training (Initial training for 30 new mediators per quarter) .....	50,000
Training (\$12,500 judicial and \$3,500 staff per quarter) .....	60,000
Rental Space for Staff Offices .....	6,074,000
Security .....	284,000

ATTACHMENT A.—*Resources for Child Abuse and Neglect/Permanency Branch  
Reforms—Continued*

Supplies, Postage and Phone (\$2,762 per employee per year) ....	204,388
Total Contractual and Other (Recurring) .....	8,244,388
Subtotal, Recurring Costs .....	13,416,315
Less \$1,263,006 Recurring Costs included in D.C. Courts' fiscal year 2002 Budget Request .....	12,153,309
Space, Furnishings and Equipment (Non-Recurring Costs):	
Construction of Courtrooms, chambers, in Building B .....	14,450,000
Capital Improvements in Buildings A & B .....	<sup>1</sup> 10,705,000
Relocation Costs (e.g. furnishings, moving, cabling) .....	1,200,000
Renovate space for Family Waiting Room (\$23,750 financed with fiscal year 2001 funds) .....	
Chambers/Office Furnishings and Equipment (\$3,000 per em- ployee) .....	222,000
Equipment:	
5 Photocopiers at 10,000 each .....	50,000
5 Fax Machines at \$750 each .....	3,750
IJIS (Family Module: \$2,600,000; Complete System: \$7,100,000; minus \$1,200,000 in grants) .....	<sup>3</sup> 5,900,000
Total Space, Furnishings and Equipment (Non-Recurring)	32,530,750
Less \$15,305,000 Non-Recurring Costs included in D.C. Courts' fis- cal year 2002 Budget Request .....	17,225,750
Grand Total .....	45,947,065
Less \$16,568,006 included in D.C. Courts' fiscal year 2002 Budget Request .....	29,379,059

<sup>1</sup> Included in D.C. Courts' fiscal year 2002 Budget Request.

<sup>2</sup> Staffing costs reflect fiscal year 2001 salary plus fringe benefits at 24 percent of salary.

<sup>3</sup> Portion included in D.C. Courts' fiscal year 2002 Budget Request: \$20,000 for Mediator Stipends and \$4,600,000 for IJIS (of which \$1,500,000 plus grant funds are to be obligated in fiscal year 2002 for the Family module).

Senator DEWINE. Judge King, you set a new record here. You are 3½ minutes. Judge Walton.

Senator LANDRIEU. Excellent. Got us off to a great start.

Senator DEWINE. I was shocked. I don't know what to do. Try and beat it, Judge.

STATEMENT OF REGGIE WALTON

Judge WALTON. Mr. Chairman, Senator Landrieu, it is an honor to have the opportunity to be here today to talk about the problems confronting all too many of our children here in the District of Columbia. I have served as a Superior Court judge for over 17 years. When Judge King called me into his office and told me he wanted me to take over the position as the presiding judge of the Family Division, the assignment was not on my radar screen. However, when I thought about the importance of what occurs in the Family Division, I had the opportunity to serve in the division on a number of occasions, I readily concluded that what we do in the Family Division is the most important work of the Court, and therefore, more than willingly accepted the challenge that Judge King gave to me.

I proceeded immediately with a plan of trying to assess the operations of the division, and to develop reforms. Admittedly, the in-

terest and the scrutiny that the Congress has directed at us increased the need to move expeditiously with those reforms, and I do thank the Congress for that. I will restrict my comments to the major components of our reform plan.

Obviously, there are a lot of different components to it, but the major component is the creation of the team approach, and I think that is the hallmark of our reform plan. We have talked to a lot of experts, not only in the District, but also throughout the entire country to try and test what is the best practice for handling neglect and abuse cases, and the team concept is what we decided would best serve the children and families in these cases. I think it ensures that there will be one judicial officer responsible for handling these cases, and in the event that judge becomes unavailable for some reason, for example, for example, illness, death, retirement or whatever, with a team approach, our hope is that the other team members will be equally aware of that case, and be able to step in for that judge and continue the effort to move towards permanency and closure of that case.

Also, we know that it is important to have judges who are well qualified to handle these cases, not only well qualified, but as has been indicated, who have a desire to handle these cases. So the one thing that we obviously will do is to ensure that judges who serve in this Permanency Branch are individuals who want to be there, and individuals who have an expertise in the area, and individuals who have been trained to do the best job in this area. The team will consist of one judge, who will be in charge of the team.

There will be three separate teams. Each judge will have three magistrate judges working with him or her. Those individuals will be specially trained to handle these particular types of cases and we also will have support staff who will assist the Court in ensuring that we move our cases expeditiously through the system with the obvious desire of ensuring that we are in compliance with Federal and local laws.

I will be more than happy to comment further in reference to the team approach, but I think it is essential that we implement this effort because I think it is the best way to ensure that children are appropriately serviced in the system.

One of the major problems that we have to confront are, is the number of older cases that we have. We have approximately 45 older cases in the system, and we are going to——

Senator LANDRIEU. Hundred.

Judge WALTON. I am sorry. 4,500 cases in the system, and we are embarking on a process at this time already to try and make an assessment as to how we can close those cases, how we can bring those cases to some degree of permanency. We already have a special master who is looking on those cases, providing recommendations to the judges as to how those cases can be better addressed and how we can bring closure to those cases.

Our plan calls for three special masters to be hired by the Court, along with a team working with them in order to assist the judges in trying to bring closure to those cases. We have made an assessment that, while it would be obviously desirable to have those cases placed into the Permanency Branch, for the time being, it would be important to leave those cases with the judges who cur-

rently are handling them because many of those judges are acutely aware of the particular circumstances in those cases. They have a desire to keep those cases. And we believe it would be most efficient in trying to resolve those cases to leave those cases in their current posture.

I again, as Chief Judge King indicated, welcome any questions you have in reference to the plan. I believe that the plan has been well thought out and that it will in fact significantly improve the plight of children and families who come into the Family Division of the Court.

Senator DEWINE. Judge, thank you very much. Judge Grossman.

#### STATEMENT OF DAVID E. GROSSMAN

Judge GROSSMAN. Mr. Chairman and Senator Landrieu, it is a pleasure to be here and I thank you for the opportunity to testify. As you said, Senator, I have long been in the trenches in this affair of juvenile and family courts. I started back in 1959 as a magistrate and spent 16 years as a magistrate and then 24 years as a judge. One of the most serious issues that we faced in our town and in our jurisdiction was this issue of children languishing in foster care, languishing in the system and like Washington, D.C., we had about 4,500 in a backlog when we first attacked the problem.

I don't think any of us are on a different page when it comes to the necessary things that have to be done and the need to do it, so I am not going to spend any time presenting the need. We all know what that is. I have some points I would make quickly, and then open the matter, of course, to questions for all of us. There are four essential pieces, I think, that need to be addressed if a court is going to attempt to deal with this problem of a number of children who are in foster care drift.

Number one, the court must have sufficient staff and sufficient personnel and sufficient magistrate or judge time in order to accomplish the task. And I was pleased to hear Judge King mention a point that I find is applicable across the country when it comes to this problem. A court must concentrate a laser-like focus upon the issue of foster care drift in the children that are in the system. They can't spread it out across a broad section of a court. They have to focus and I heard Judge King say he is going to have a permanency unit, which will be the dependency unit, and that is an extremely important concept and step. If you don't have that, the thing tends to get lost.

In that unit, you must have, as I said, sufficient magistrate and sufficient judicial personnel to accomplish the task before it. And I hear a large number of filings coming into the Washington, D.C. court, an unusual number, considering the size of the Washington, D.C. population. It is an unusual problem.

The second thing that needs to be concentrated upon, and I heard Senator Landrieu mention this, you need to have space. This permanency unit must have a space that is suitable for the practice before it, so that families are comfortable there. Children can be brought there. There is enough security and enough space for lawyers, CASAs and others to consult and enough dignified hearing rooms that they can handle these cases properly, and these courts,

this section again should not be spread out in the system. It should be concentrated.

The third thing that is very important, and I know all of us are aware of it, there must be a good information management system. There must be a process by which the court, who will generate this system, can handle its cases in a careful and responsible fashion, knowing the playing field. If you do not know the numbers and you do not know the profiles, you cannot do anything except rescue emergencies. And with other services agencies—but I would stress the point that the system must be under the authority of the court and generated by the court for the court's purposes.

And the fourth leg of the whole process, which is one that all of us know, you have to supply the court with the resources for dispositional purposes to handle the cases before it. If you want a court to burn out, a judge to burn out, a magistrate to burn out, do not give him the resources. Make him or her come to the court every day knowing what the answers ought to be when he can't fill them or she can't fill them. That is a recipe for frustration, for bitterness, for burnout. I can tell you it will happen, so you must give them that, and that involves other agencies, service delivery people, placement people, all kinds of agencies and services to help the court do its job.

#### PREPARED STATEMENTS

Those are the four legs. Those must be in place. They are generic. They can be handled in different ways in different jurisdictions, but they all must be there. Thank you.

[The statements follow:]

#### PREPARED STATEMENT OF DAVID E. GROSSMAN

Mr. Chairman and members of the Appropriations Subcommittee, thank you for this opportunity to testify before you here today. I am David E. Grossmann, Retired Presiding Administrative Judge of the Hamilton County Juvenile Court in Cincinnati, Ohio. I am here on behalf of the National Council of Juvenile and Family Court Judges, where in 1995–1996, I served as President. I currently serve as Chairman of the National Council's Adoption Committee. Honorary Chair for the National Council's Adoption Committee is former United States President Gerald R. Ford. Ex-Officio member of that Committee is Dave Thomas, CEO of Wendy's International.

We at the National Council of Juvenile and Family Court Judges are pleased to have the opportunity to comment on the proposed Family Division reform of the Superior Court of the District of Columbia. I commend the Subcommittee for their commitment to improving family court practice and improve outcomes for children and families in the District of Columbia.

#### THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

For over 25 years, the National Council of Juvenile and Family Court Judges has recognized the need for judicial oversight of child abuse and neglect cases. Pointing to rising numbers of children in the nation's foster care system and recognizing that thousands of children were being raised without the benefit of permanent homes, Congress passed key legislation in 1980 to reduce the number of children experiencing "foster care drift" in the nation's foster care system. The passage of Public Law 96–272, the Adoption Assistance and Child Welfare Act of 1980, heralded the need for improved practice in handling of child abuse and neglect cases. Courts and child welfare agencies were given the mandate to place strict 18-month time limits on resolution of dependency cases. The system as a whole was required to make "reasonable efforts" findings and to ensure: (1) Unnecessary separation of children and families be avoided; (2) Reunification of families when safely possible to do so;

and (3) When reunification was not feasible, moving forward in finding adoptive or other permanent placement alternatives for children.

As a result of that legislation, courts and child welfare agencies nationwide began to examine practice; identify barriers to permanency; plan for change; and implement changes in policy, practice and court rules. However, soon after the Adoption and Safe Families Act was passed, the nation's foster care system began to experience a new crisis. Soaring drug use, violence in families, child abuse awareness campaigns, and poverty rates began to bring more children into the child welfare and court systems than ever before. As a result of burgeoning caseloads and limited resources, court and child welfare agencies were struggling to meet the new demands placed upon them. Numbers of children in the child welfare system once again began to rise.

Thanks to the foresight of Congress, including Senator DeWine and many members of this Committee, additional legislation was passed in November 1997, which once again required court and child welfare agencies to improve practice. The Adoption and Safe Families Act of 1997 (Public Law 105-89) shortened time frames for dependency cases from 18 months to 12 months, and focusing practice on three specific outcomes for dependent children: (1) Safety; (2) Permanency; and (3) Well-Being.

In order to implement the Federal legislation in the spirit in which it was intended, state courts and child welfare agencies refocused their efforts on improving practice in handling of child abuse and neglect cases. Several national initiatives to improve practice gained new momentum. The Court Improvement Program of the U.S. Department of Health and Human Services provides support through state supreme courts for states to gather key stakeholders and examine practice. Court Improvement Program resources include funding for training and technical assistance, and are under way in all 50 states and the District of Columbia.

In 1992, the National Council of Juvenile and Family Court Judges initiated a project which would break new ground in guiding courts and child welfare systems through their reform efforts. With support from the Office of Juvenile Justice and Delinquency Prevention of the U.S. Department of Justice, the National Council formed a committee of judges, child welfare agency administrators, attorneys, court appointed special advocates (CASAs), and others to develop a document which would outline best practice for handling of dependency cases. The result of this three-year effort was the RESOURCE GUIDELINES: Improving Court Practice in Child Abuse & Neglect Cases, published in 1995, and endorsed by the Conference of Chief Justices and the American Bar Association. This document, which outlines key components of complete and fair hearings, is being used as a blueprint for change by Court Improvement Programs and individual courts nationwide. Since its first printing, over 22,000 copies of the RESOURCE GUIDELINES have been disseminated nationwide, with hundreds of additional copies being distributed every month.

Also groundbreaking in its efforts to improve practice, the follow up work in development of the RESOURCE GUIDELINES was initiation of the Victims Act Model Court Project. In 1995, the National Council began work in a number of courts nationwide to put the RESOURCE GUIDELINES into practice. Criteria for selection of Model Courts was developed. Courts under consideration were asked to make a commitment to change, and to implement the RESOURCE GUIDELINES in their change efforts. Courts were asked to select a lead judge' whose task it would be to guide court improvement efforts in his or her jurisdiction. The lead judge' was to select a committee of key stakeholders, who would work collaboratively to examine practice, identify barriers, strategically plan for change, and implement improvements. Each court was asked to sign onto the project for the long term, recognizing that systems change is a lengthy and time-consuming process. And, finally, each court, as a laboratory for change, was asked to commit to mentoring other courts engaged in their own court improvement efforts.

Since 1995, the number of Model Courts has risen from the original four to a current total of 23. Courts range in size from the largest metropolitan courts in the nation—Los Angeles, New York City, Chicago, Newark, and Miami—to many mid-sized and smaller jurisdictions, including Cincinnati, Indianapolis, New Orleans, Salt Lake City, El Paso, Honolulu, Des Moines, Charlotte, San Jose, and Reno. Just last week, the first Tribal Court, Zuni Pueblo of New Mexico, agreed to participate in the project.

Model Court achievements over the past six years have been many, and in some cases, remarkable. The Cook County Juvenile Court—Child Protection Division—through leadership of then lead judge, the Hon. Nancy Salyers, and in close collaboration with Jess McDonald, Director of the Illinois Department of Children and Family Services, implemented court and child welfare system reforms. This resulted

in a reduction in the number of children in out-of-home care in that county alone from over 58,000 to under 27,000 in little over three year's time.

Specific improvements accomplished in many of the Model Courts which have resulted in moving dependent children more effectively through the child welfare system include the following:

- Expanded initial, or preliminary protective hearings
- Focused effort to reduce case backlogs
- Implementation of one family/one judge court calendars
- Implementation of front-end diversion programs, including family group conferencing and mediation
- Scheduling hearings at a time certain
- Implementation of strict continuance policies
- Implementation of continuous hearings and trials
- Setting the next hearing date at the end of the current hearing
- Distributing copies of orders to all parties at the end of the current hearing
- Focusing on reducing the number of children in the child welfare system whose parental rights have been terminated and who are awaiting adoptive or other permanent placements
- Development of court-based data information systems for case tracking and reporting, reporting on aggregate data and trends, calendaring and court records, tracking compliance with the Adoption and Safe Families Act and State mandated time lines.

In 2000, the Superior Court of the District of Columbia became one of the newest Model Courts in the Victims Act Model Court Project. Committed to improving practice, the Washington, D.C. Court began to identify areas in need of change, and to draw key stakeholders into the planning process. The Washington, D.C. Model Court early-on focused on a variety of challenges to be addressed: judicial rotation, timely case processing, the need for resources both in judicial personnel and court personnel, the need for a court-based data information system, addressing case backlogs, and development of an effective working relationship with the District's child welfare agency were among the priorities set by the Family Division of the Superior Court.

We at the National Council of Juvenile and Family Court Judges have supported the improvement efforts of the Family Division of the Superior Court of the District of Columbia since that court's initiation into the Model Court project, and we are supportive of the efforts of Chief Judge Rufus King III and Presiding Family Court Judge Reggie Walton. We have committed to providing resources in terms of training and technical assistance to enhance the court's ability to achieve its goals. We note that there are several issues to be addressed which invite further comment.

#### JUDICIAL TENURE

*Rotation.*—The law, social science, and practice issues involved in dependency practice are the most challenging of those faced by any court today. This is a specialized field, which requires specific knowledge and expertise of judicial officers beyond that required of many other areas of practice. Throughout the National Council's experience in working with Model Courts, and as cited by the aforementioned RESOURCE GUIDELINES, it is critical that a judge who hears dependency cases be expert in the law, in issues related to child development, in current practice, and in the placement and treatment resources available within his/her specific jurisdiction.

In order to gain this critical knowledge and to maintain a knowledge of the families within the child welfare system, it is extremely important that judicial officers be retained on this bench for lengthy periods, and that length of time between judicial rotations be increased. One family/one judge, a key component of best practice can best be achieved when judicial officers serve for a significant period of time.

*Commitment.*—A commitment to this case type by judicial officers is critical. In order to achieve best practice in this area, it is helpful for judges to self-select to this bench. Those who have a desire to sit on this bench should be allowed to do so, even beyond the rotation schedule set, if requested. Many states currently require that judges rotate off the dependency bench, in spite of the desire of judges to remain in this work. This does a disservice to the committed judges who wish to stay, and to the families whom they serve.

#### JUDICIAL OFFICERS/MAGISTRATES

The Hamilton County Juvenile Court in Cincinnati has successfully operated a magistrate system for a number of years. Early in the last decade, when we were first setting about systems reform, we identified the need for judicial officers who

would be committed to the dependency bench and who would make a career of hearing child abuse and neglect cases.

In Hamilton County there are two full-time judges, who oversee the work of a number of magistrates. This has led to best practice as recognized by the American Bar Association in its publication "Judicial Implementation of Permanency Planning Reform: One Court That Works."<sup>1</sup> Cases are held timely, parties are held accountable, families and children are represented, and permanence for children is achieved well within mandated time frames.

#### CASE BACKLOGS

In a system with ever-growing case loads and limited resources, it is critical for courts to identify a date from which to implement new systems reforms, and to begin reviewing and hearing cases which have languished in the system for a variety of reasons. Clearing of case backlogs has been achieved in different ways in a number of jurisdictions.

Following passage of that state's child welfare reform legislation in the mid-1990s, Utah's state legislature funded a number of special judge positions with the specific task of clearing case backlogs. Other jurisdictions have cleared backlogs by assigning volunteer judges to commit to the additional work necessary to review and hear "old" cases.

The Strengthening Child Abuse and Neglect Courts Act of 2000 (Public Law 106-314), introduced by Senator Mike DeWine and supported by many members of this committee, will provide some resources to courts nationwide to address case backlogs. This type of concerted effort will be necessary if the Family Division of the Superior Court is to clear backlogs as they now exist.

#### RESOURCES

It is critical that the Superior Court receive the resources necessary to achieve success in its court improvement efforts. As noted by the Conference of Chief Justices, these courts require adequate resources.<sup>2</sup> These include:

*Judicial Officers and Staff.*—In order to achieve outcomes necessary, it is critical that funding for adequate personnel be made available to the court. Staff will include judicial officers, clerks, case managers, and other system professionals.

#### COURT-BASED DATA INFORMATION SYSTEM

In order for the court to hold itself, and all system players accountable, it is critical that the court have a state-of-the art data information system in place. Such a system will allow the court to track individual cases, aggregate information, record trends in practice, record performance of system professionals, improve calendaring, more efficiently develop and disseminate court orders, and most importantly track ASA time lines.

The Hamilton County data information system was critical to that court's success in identifying barriers to permanency, how effectively the system was addressing problem areas, and how successful the system was in improving practice.

#### FACILITIES

It is critical that the Court have access to facilities which will provide a safe and efficient working environment for court staff, but most importantly provide a respectful and enhanced environment for the families it serves. This can include an adequate number of courtrooms, family-centered waiting areas, rooms for client/attorney consultation, family resource centers, child care services, and secure areas for handling of inmates required to appear during dependency hearings.

#### TRAINING

Regular in-service training for judicial officers, case management personnel and others, as well as interdisciplinary cross-system training is critical in order to facilitate court improvement efforts. As a jurisdiction, the District of Columbia should

<sup>1</sup>"Judicial Implementation of Permanency Planning Reform: ONE COURT THAT WORKS," ABA Center on Children and the Law, National Conference of Special Court Judges, Chicago, 1992.

<sup>2</sup>Resolution 21, "Statement of Principles Regarding Children and Families," adopted as proposed by the Courts, Children and Family Committee of the Conference of Chief Justices, Baltimore, Maryland, at the 24th Midyear Meeting on January 25, 2001 States:

"... we will seek to assure those [juvenile and family] courts and judges the facilities, resources, and statute among their colleagues that they need and deserve to have . . ."



focus on in-house training of judicial officers and other court personnel, and also gather key stakeholders, including attorneys, child welfare personnel, treatment providers, and others to develop strategies for systems change.

Finally, may I comment that even the best efforts of the Family Division cannot achieve systems change alone. It is critical that all key system personnel be included in this effort. The Bar, the Office of Corporation Counsel, the child welfare system—including those assigned to handling the ICPC, Court Appointed Special Advocates, service providers, treatment providers, and others involved in handling of child abuse and neglect cases—must all be brought to the table. Only with commitment from all system professionals to improve practice in handling of child abuse and neglect cases can better outcomes for the families and children in the District of Columbia be achieved.

In closing, on behalf of the National Council of Juvenile and Family Court Judges, I would like to thank you, Mr. Chairman, for inviting me to participate in hearings on this important legislation. We at the National Council of Juvenile and Family Court Judges believe that with adequate resources, commitment of the judiciary, commitment of key system players, and a focus on improving practice, that better outcomes for families and children can be achieved. We look forward to continuing to assist the Family Division of the Superior Court of the District of Columbia in its efforts to improve practice in handling of child abuse and neglect cases.

I would be pleased to answer any questions you may have at this time.

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#### PREPARED STATEMENT OF PAUL STRAUSS

Chairman DeWine, Senator Landrieu and members of the District of Columbia Subcommittee on Appropriations, I am Paul Strauss, the shadow United States Senator elected by the voters of the District of Columbia and an attorney who practices in the family court division of our local courts. In that capacity I have made approximately 5 hundred appearances in our family court, representing children and families in the Abuse and Neglect System.

I appreciate the opportunity to provide this statement on behalf of my constituents in the District of Columbia. The subject of this hearing is extremely important to me and to my constituents of Washington, D.C. It involves the physical, emotional and psychological health and welfare of our children and their need to be protected by a strong, well-structured and experienced judiciary. I testify today in support of the Family Division Reform Plan, developed by the Chief Judge and the Associate Judges of the Superior Court of the District of Columbia. Let me add for the record that I personally oppose the creation of a totally separate family court, which has been called for by the House Majority Whip.

The issue before this committee is two-fold in nature. The first issue surrounds the need to adhere to home rule principles in governing the District of Columbia. These principles pertain to the respect for local control and decision making maintained under the umbrella of the District's home rule charter, and to respect the decision making process apparent in our local judiciary. The second issue of even greater importance concerns the protection of our community's most vulnerable members. These issues involve a choice between the strengthening of the District of Columbia's current court structure rather than its complete deconstruction.

As is apparent today, the State of Ohio has developed arguably well-managed family court programs. Let me first take this opportunity to thank those Judges from Ohio who have traveled to Washington DC to share their experiences with us. These beneficial models, which work well in given States, will provide valuable guidance to the District of Columbia. It does not necessarily follow, however, that the exact same structure will serve the specific socio-demographic and economic needs of the diverse population situated within the District of Columbia. As you know, the District contains an overwhelmingly urban population, and we are not provided the same level of resources bestowed upon State governments. Due to the current political status of the District, any change to our judiciary, such as the proposed Family Court, must be carefully implemented by the local professionals who understand and appreciate the needs of the population.

The Family Court is an institution that must protect the District's most vulnerable citizens—its children, as well as provide countless other, more mundane, legal functions common to every jurisdiction. The safety of children should not and will not be compromised due to political agendas.

Let me state for the record that there have been many times when the Republican majority, particularly in the U.S. House of Representatives, has attempted to substitute its personal and political judgments for the democratically expressed wishes of the District of Columbia citizens. I have spoken out against those efforts, and

criticized those who would violate our democratic rights for the sake of political expediency. I have no such criticism today.

It is clear that the House Majority Whip, and his colleagues who are pushing the idea of an independent and separate family court, do so not to impose any particular ideology on our judiciary, but based on their own good faith belief on the best interests of our children and legal process.

There is no Democratic or Republican way to adjudicate cases of child abuse and neglect. The District of Columbia's non-State status makes it a necessity that any reform must come from this body. While I have often resented the actions of a D.C. sub-committee, which appropriates money both from and for the District of Columbia in the absence of a member from the District of Columbia, I welcome today your input and involvement. Our legitimate desire for self-determination does not mean that the U.S. Senate should ignore this important issue.

An important component of this proposal offers judges of the Family Court a fixed three-year term with the option of continuing service beyond that time period. It is my belief, based upon my own experience, that judges who hear nothing but child abuse and neglect cases are susceptible to an unusual amount of emotional stress due to their exposure to the horrific nature of these cases, which often involve great brutality visited amongst helpless innocents. I can appreciate and sympathize with these hardships because I too found that after years of litigating multiple trials involving abused and neglected children, the emotional toll could be quite significant. The Court's present proposal allows judges the opportunity to volunteer for such assignments, thus allowing them to seek out the special challenges in one or more of the family court sectors, but also involves a plan to avoid burn-out and frustration.

The Family Division Trial Lawyers Association of the District of Columbia opposes separating the Family Court from the rest of the judiciary. All of the major components of the Superior Court's reform initiative depict sound modes of achieving enhanced protection to abused and neglected children. The comprehensive plan demonstrates the most efficient and effective means of implementing a Family Court. Rather than duplicate administrative efforts, the plan concentrates upon team management tactics, continual training procedures, judicial specializations, and a multi-disciplinary approach to case resolution which emphasizes coherent lines of communication. Even more importantly, it has the appropriation envisioned to provide real reform. Without the requested additional resources, any plan will surely fail.

I urge you in the strongest possible terms to support the Court's restructuring plan and to allocate the financial support to make it a success. A strong Family Court, united within the existing Superior Court, will improve the quality of life and enhance justice.

On behalf of the citizens of the District of Columbia, I thank you for the opportunity to make these comments; I would be happy to answer any questions you may have.

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PREPARED STATEMENTS OF JAMES J. ROBERTS, PRESIDENT, AND BETTY E. SINOWITZ,  
CO-VICE PRESIDENT, FAMILY DIVISION TRIAL LAWYERS ASSOCIATION

Chairman DeWine, Senator Landrieu, Members of the Subcommittee of the District of Columbia of the Committee on Appropriations. We are James J. Roberts and Betty E. Sinowitz, and we have prepared this statement in our capacities as President and Co-Vice President respectively, of the Family Division Trial Lawyers Association (FDTLA). Previously, we had communicated by letter to Members of the Senate and House of Representatives who are most concerned with the District of Columbia.

Thank you for initiating this very important hearing to address the District of Columbia Superior Court's plan to reform its Family Division to ensure the protection of our abused and neglected children. As officers of FDTLA and as citizens of the District of Columbia, we fully support the Family Division Reform Plan authored by Chief Judge Rufus G. King, III and the Associate Judges of the Superior Court of the District of Columbia. We welcome the special interest of both the Chairman and the Ranking Member in these matters.

The Family Division Trial Lawyers Association (FDTLA) is a voluntary association of court-appointed attorneys who represent abused and neglected children and their family members, juveniles, and mentally retarded and mentally ill adults in Superior Court of the District of Columbia. Our clients are the District of Columbia's most defenseless and vulnerable citizens in need of professional legal services.

FDTLA strongly advocates the maintenance and improvement of the unified Family Division that currently exists within the construct of the Superior Court of the

District of Columbia. FDTLA vigorously opposes the establishment of a separate Family Court. FDTLA officers and members are working with the Superior Court to suggest reforms, some of which have already been implemented.

Since our members practice every day in the Family Division of the Superior Court, FDTLA has a keen interest in current efforts to bring about positive changes in the Family Division. We are working with the Court, the legal community, Congress, and community groups concerned with abuse and neglect and foster care issues, examining both positive and negative aspects in the current system.

Chief Judge Rufus G. King, III brings commitment, intelligence, and energy to his recent appointment. Under Chief Judge King and Presiding Judge Reggie Walton of the Family Division, FDTLA representatives, as well as judges, hearing commissioners, government attorneys, social workers, and administrative court personnel have met over the past several months to scrutinize the Family Division's current operations and embark on an intensive effort to develop a program that will rectify problems which had developed.

FDTLA supports Chief Judge King's reform plan and the appropriation of additional and sufficient financial resources to change the existing Family Division. An increased budget will enable Chief Judge King to implement his plan in the following ways:

- Adding additional judges and magistrates for adjudicating abuse and neglect cases and termination of parental rights and adoption matters, as well as for the domestic relations, paternity and child support, mental health and mental retardation branches of the current Family Division.
- Increasing the terms for judges and hearing officers or magistrates in the Family Division to three years, with at least one year per calendar.
- Utilizing a collaborative team approach, whereby judges, magistrates, court staff attorneys, court staff social workers, and better trained support staff would provide a new approach to case management and the ongoing review of abuse and neglect matters.
- Enlarging the use of court mediation services for abuse and neglect and other family law cases, as appropriate.
- Implementing a better coordination system for scheduling hearings, trials, and reviews of open cases in order to cut down court waiting time, so that both attorneys and social workers can spend more time monitoring their cases and securing services for their clients.
- Modernizing the computer system to enable more effective tracking of cases and coordination of all cases involving the same families in the court system, the child welfare system, the police department, the Office of the Corporation Counsel, and other agencies.
- Providing extensive and ongoing training in abuse and neglect law and policy for judges, magistrates, attorneys, social workers, and administrative personnel.
- Allocating larger courtrooms and hearing rooms; providing family friendly waiting rooms for witnesses, parties, and children involved in family law cases; and assigning designated conference meeting rooms for attorneys, social workers, and mediators who work with families and children.
- Filling vacant file room positions in the clerks' offices and adding more administrative support staff for file rooms and courtrooms.
- Increasing pay rates for court-appointed lawyers and investigators.

FDTLA strongly asserts that children already traumatized by abuse and neglect deserve the full and serious attention of the most experienced, committed, and competent judges who have acquired expertise and perspective handling a wide range of cases in many areas of jurisprudence. The current system of rotating judges should be continued, albeit with changes made less frequently. Determinations concerning the removal of children from their parents, placements of children with relatives or foster parents, return of children to their birth parents, termination of parental rights, and adoption; institutionalizing children; and the other difficult decisions must be made by judges who are not experiencing burnout resulting from their exclusively hearing cases involving human tragedy.

The present inclusion of the Family Division within the Superior Court is the best model. It has much merit. This model integrates family matters into the overall structure of the court system, thereby maintaining equality of commitment with the criminal, civil, and probate divisions. Judges rotate among all divisions giving equal time, attention, and commitment to whichever division they are assigned.

Currently, each of 59 Superior Court judges, regardless of their current court assignment, conducts periodic reviews 75–90 cases per year, thus presiding over approximately two abuse and neglect matters per week. If a separate family court were created, each of some thirteen judges on such a court would need to review nearly 400 abuse and neglect cases per year, in addition to presiding over initial

hearings, status hearings, trials, show cause hearings, and emergency hearings. This is an unworkable and unrealistic proposal.

In other jurisdictions with separate family courts, the family court is frequently referred to as the “kiddy court.” Such courts are frequently staffed with new judges who are learning the ropes before they are assigned to the “real” court. Other jurisdictions have found it convenient to cut costs in their budgets by staffing this “kiddy court” with magistrates and commissioners, rather than with judges, thereby saving the “real judges” for the “real court” with “real problems.” Jurisdictions, such as New York, which have separate family courts, are now advocating the establishment of unified courts similar to the one existing now in the District of Columbia. Congress will be better advised to study this similar metropolitan jurisdiction prior to introducing legislation creating a separate family court.

Although many government leaders decry big government and call for less bureaucracy and lower taxes, the proposed creation of a separate and distinct “Family Court” will cost tens of millions of dollars in the first year alone.

FDTLA opposes the creation of a separate stand-alone family court entity for the following reasons:

- Merely creating a separate family court will not address the important need for systemic reform in the operations of the Child and Family Services Agency (CFSA), the Metropolitan Police Department, the U.S. Attorney’s Office, and the Office of the Corporation Counsel. These government agencies are in transition and are in need of further reforms.
- In addition to the massive additional costs to establish and maintain a separate family court, a separate court is likely to have difficulty in recruiting and retaining highly qualified judges and hearing commissioners to work in what is likely to be regarded a “lesser” or “kiddy” court.
- A separate entity will add massive construction costs and duplicative administrative expense for personnel, equipment, and maintenance.
- A separate family court may siphon already limited judicial resources from the Superior Court.
- The time involved in the establishment of a separate court would serve to defer the closure of long-standing, pending cases.
- A separate court would interfere with the operation of the existing domestic violence branches’ its innovative, unified approach to civil and criminal proceedings involving intrafamily violence.

FDTLA recognizes that there have been problems in the protection and permanent placement of children in the child abuse and neglect system. It is important to note that it is the Child and Family Services Agency (CFSA), not the D.C. Superior Court, that failed to adequately protect children, properly monitor temporary placements for children, recruit adoptive parents and place children in permanent homes. CFSA is the agency under a Federal court receivership, not the D.C. Superior Court.

Now, however, the Superior Court, under the leadership of Chief Judge King, is taking a leadership role in developing long-term solutions to the difficulties that trouble the Family Division, and FDTLA trusts that the Court’s reforms will result in a less expensive, quicker, more flexible, and more comprehensive response to meeting the pressing legal needs of the District of Columbia’s most vulnerable citizens than would be possible if a separate Family Court were established. Addressing complex management issues, limited judicial resources, and working with other branches of government will do more to meet these needs.

On behalf of FDTLA, we urge you and your congressional colleagues to continue your interest in resolving the problems of the D.C. Superior Court and in providing it with adequate financial resources to accomplish the reforms planned for the Family Division of the D.C. Superior Court under its current leadership.

On behalf of our clients who are citizens of the District of Columbia, we thank you for the opportunity to present our comments. We would be happy to provide answers to any questions that you may have. We additionally request an opportunity to testify at any public hearing regarding any congressional proposals concerning either a stand-alone or a unified family court.

Senator DEWINE. Great. Great testimony from all three of you. Thank you all very much. I really do not know where to start. Let me start, I guess, with you, Judge King. Judge King, you and I talked about this issue the other day, and I want to explore it just a little bit more. I think we all agree that one of the objectives has to be to develop the expertise in the judge, and the point has been well made, and I think correctly, that you have to have people that

want to do this. You do not want someone in there who you have to pull kicking and screaming into the courtroom. You want a judge who wants to be there, who wants to do it, and wants to handle this type of case. Explain to me a little bit how you envision this working with the new change. Let us start with how many judges you think are needed in this unit, and what are we calling this unit? I want to make sure I get the terminology.

Judge KING. It would be the Permanency Branch of the Family Division, or Family Court Division of the Superior Court. But it is the Permanency Branch we are focusing on.

Senator DEWINE. Permanency Branch. And how many judges?

Judge KING. The way we look at it within the Permanency Branch, we are looking at, as we now see it, 3 judges and 9 magistrates, divided in teams, so there would be a total of 12 judicial officers.

Senator DEWINE. Now, let me make sure and again, these are some real basic things, and I apologize, but I want to make sure I understand. What does the Permanency Branch do?

Judge KING. These are cases involving abused and neglected children primarily. And by having the Family Division as a unified family court, if you will, when there is a related divorce or other support issue and that type of thing, all would be before a cadre of judges who are doing this work and are talking to each other and working with each other, but the Permanency Branch would address the children who have either been abandoned or abused or——

Senator DEWINE. So if you have got——

Senator LANDRIEU. How many judges are in the big section?

Senator DEWINE. In the Family Division?

Senator LANDRIEU. In the Family Division.

Judge KING. In the entire Family Division, we see a need for 15 judges.

Senator DEWINE. Total.

Judge KING. And we currently have 11 judges, including what will later become the Permanency Branch.

Senator DEWINE. But Judge, excuse me, you envision 15 total?

Judge KING. 15 judges.

Senator DEWINE. Which means——

Senator LANDRIEU. Total.

Judge KING. We now have eight hearing commissioners, two of whom I believe, and if I can, if need be, I will correct the record before it closes, address these cases now. So there are some magistrate judges who would be needed for other things. For example, child support is an area that is handled by magistrate judges. And that would need to be continued. So we see ultimately—ultimately 15 judges and then the existing, and the nine new positions.

Senator DEWINE. I am lost.

Senator LANDRIEU. I am lost. Yes.

Senator DEWINE. Yes. State—tell me where you want to go. Do not tell me what you've got now. We will get to that in a minute.

Judge KING. 15 judges.

Senator LANDRIEU. You want 15 total?

Senator DEWINE. Total.

Judge KING. In the Family Division.

Senator DEWINE. And three of those 15 are in the Permanency Branch?

Judge KING. Correct.

Senator DEWINE. All right. And then you have got nine magistrates in the Permanency Branch, and you are going to have how many magistrates in the total?

Judge KING. We are going to have, the total would be an additional six, I believe, which will cover paternity and support.

Senator DEWINE. Now I am lost.

Judge KING. I think you asked about going outside the Permanency Branch.

Senator LANDRIEU. How many magistrates for the nonpermanency family judges?

Judge KING. Six.

Senator LANDRIEU. Not six new. How many total? How many would you have?

Judge KING. Outside the Permanency Branch.

Senator LANDRIEU. You have three times more magistrates than the Permanency Branch. Can we assume you need three times more magistrates for the other branches? Because that would be 45.

Judge KING. No. I don't believe that follows.

Senator LANDRIEU. All right. How many would we need?

Judge KING. I believe eight, if I may supplement the record to be sure that I have got that exactly right.

Senator DEWINE. Well, but that means then there is a total of 17 actually then.

Judge KING. That's right.

Senator DEWINE. Seventeen. I mean the totals for the Family Division which includes the Permanency Branch is 15 judges, 17 magistrates.

Judge KING. That's correct.

Senator DEWINE. Total. And then after that you take out of that three judges who go in the Permanency Branch and nine magistrates?

Judge KING. Correct.

Senator DEWINE. Okay. Tell me, tell me, explain to me, and Judge Grossman, I'd like your input on this as well, how it works between the judge and the magistrate. Hamilton County, for example, had just a few judges, how many did you have?

Judge GROSSMAN. Two.

Senator DEWINE. Two. So your ratio was phenomenally different. And I am not saying one is right or one is wrong. I am just curious how it works with the magistrate. I am curious how it worked with your system and Judge King, I am curious to know how you see it working with your system. Who does what?

Judge GROSSMAN. In Hamilton County, we have some 29 magistrates and two judges and the judges act as the reviewing authority for those magistrates. But the magistrates have rather broad authority to handle their cases. And particularly, in the permanency system in our court, the magistrate can take the case from start to finish. With the ability to appeal to the judge, but that magistrate becomes a tenured person. He is a professional who re-

mains with the system for many years. And as such, has that ability to carry a case on.

Senator DEWINE. So in reality, with that ratio, in almost every case, that is the final?

Judge GROSSMAN. Yes. Yes. But these magistrates are almost as judges, so that you understand.

Senator DEWINE. Sure.

Judge GROSSMAN. That when they say they have got 15 judges and 17 magistrates, that is, that is the same type of thing, and they have more business considering their population than we have.

Senator DEWINE. Is that right?

Judge GROSSMAN. Yes.

Senator LANDRIEU. And how are the magistrates appointed, just to clarify while we are on the subject?

Judge GROSSMAN. In our court the judge appoints them.

Senator LANDRIEU. Judge appoints the magistrates.

Judge GROSSMAN. The courts control their own magistrates.

Senator LANDRIEU. And under your plan, how would you—

Judge KING. The Court, and ultimately the Chief Judge, but with the recommendation of a committee which reviews the applicants and presents them to the Board of Judges, and then all the judges are consulted and then ultimately the Chief makes the pick.

Senator DEWINE. Judge King, tell me a little bit about how it works.

Judge KING. On your, on your question, we see a slightly different alignment for the District of Columbia plan. We see the teams as being comprised of a judge and three magistrates. All of them will rotate through the intake court and take in cases, so that a magistrate, for example, would cover a week of intake. We call them new referrals in our system. That case then becomes that magistrate's case for the life of the case.

Senator DEWINE. Is that—

Judge KING. It is much like the magistrate in Ohio.

Senator DEWINE. Okay. But that is just in the—for example, so that magistrate, he is not taking in criminal cases?

Judge KING. No. Absolutely not. That magistrate is hired up front because the open position will be a magistrate in the Permanency Branch. People who apply for that job are people who want to do that work.

Senator DEWINE. What has been your experience and your ability to attract, is there anything comparable now? The question is if you had the challenge of going out there and seeking out lawyers who want to do this full time—

Judge KING. No. Up until now, the application has been as a hearing commissioner whose responsibilities are plenary. We want people to come in and be qualified as plenary magistrates, but these positions will be what's up for—what's up for filling is a position.

#### FILLED AS A FAMILY COURT

Senator DEWINE. When you interview for that job, you know that is what you are going to do. If you do not want to do it, you shouldn't interview for the job.

Judge KING. Exactly.

Senator DEWINE. Now, you anticipate the ability to fill these nine. Let us stay on the magistrates for now.

Judge KING. Yes. I do. I anticipate that with a—first of all, as Judge Grossman said so aptly, with, with enough resources, this work begins to get very, very satisfying, in addition to being challenging and difficult and everything else.

Senator DEWINE. Sure. Sure.

Judge KING. It becomes as satisfying as anything a judge can do. And I do not anticipate a difficulty in finding people who want to do it. If we enter this period and enter these reforms without adequate resources, then yes, there will be a problem filling those positions.

Senator DEWINE. I think that is a good point. Let us go—well, let us go back to the, to the 3 judges, and you told me a little bit about this the other day in the office. But these would be, you envision, these would be terms of 3 years?

Judge KING. Three years as a minimum with an extension by—

Senator DEWINE. Self-extension?

Judge KING. That's right. And the reason that I look at 3 years is for a couple of reasons. The culture here has always been 1-year rotations. That obviously is going to have to change. We want to change it so that we encourage people who are genuinely interested in this area to stay. Yet, we do not say up front that you have to know now that you are going to commit to 8, 10, 12 years in this area, because we would miss highly qualified judges. An example is Judge Walton sitting next to me, who is doing terrific work in this area, and might not have signed on for a 10-year term. With 3 years, I believe that very highly qualified lawyers and then judges will be interested in coming on the Court and doing this work. I believe the leaders that we need will emerge in that process.

Senator DEWINE. Judge, as a practical matter, how do you deal with this situation? These are Presidential appointments, correct?

Judge KING. They are.

Senator DEWINE. And how do you make sure the White House understands that you are looking for a few good people who want to worry about kids all day?

Judge KING. We need a few good men and women. I have actually already done that. As you may know, the structure is that a local commission selects three candidates for each seat, and then the White House has to pick from among those three. I went to the commission during the discussion of this process as we have been developing this plan, and indicated to them that we really needed their support in using interest in family law as an important criteria in who they select.

Senator DEWINE. What kind of reception did you get?

Judge KING. We have three names pending at the White House now, two of whom have a significant interest in family law and family background.

Senator DEWINE. Good. Good.

Judge KING. I believe that process, when we reach a point where we need to add some judges, I believe that that process can be



made to work in the same way. I believe the Commission will recruit for applicants. They will get them and I think that we will be able to—

Senator LANDRIEU. Can I ask a question while we are on that point? Do you mind if we go back and forth a little?

Senator DEWINE. No. You go right ahead. Yes.

Senator LANDRIEU. While we are on that point can you all clarify for us and for the record how many vacancies there are now of the 58?

Judge KING. Fifty-nine is the total.

Senator LANDRIEU. Fifty-nine total authorized, how many current vacancies there are today, and how many do you anticipate, let us say in the next 18 months?

Judge KING. I believe it is three now, and one of the facts of life for us, I think it is probably just a fact of the numbers if you take any cohort of 59 people, somebody is always going to another job, retiring, getting sick, doing one thing or another. We always have one or two vacancies. I don't think—

Senator LANDRIEU. A year. One or two a year?

Judge KING. Or at any one time.

Senator LANDRIEU. But there are three current openings now?

Judge KING. But now, let us see, there is one pending at the White House. Two I believe are pending here in the Senate, so they are in the pipeline.

Senator LANDRIEU. They are in the pipeline, but there are three vacancies?

Judge KING. Correct.

Senator LANDRIEU. But these I understand are 15-year terms?

Judge KING. That's correct.

Senator LANDRIEU. So we could surely get a list of those whose terms are expiring in the next 18 months. Do we know what that is? Do we know how many?

Judge KING. It isn't always indicated because many times we can renew in a less formal process than the initial appointment. There is a judicial tenure commission which reviews applications to review the term. So often you'll get judges to renew. I have indications that there are two retirements that are likely to occur.

Senator LANDRIEU. But could you just for the record—I think it would be helpful, Mr. Chairman, if just for the record we had the absolutely official information.

Judge KING. Absolutely.

Senator LANDRIEU. About how many of these terms—

Judge KING. Numbers and terms and when they expire.

Senator LANDRIEU. There has got to be an expiration date for every judge currently serving, and I think for the record, we need to have that so that we can help make the best decisions here and if you could provide that for the record not today, because you do not, I am sure, have all those details. 59, but I thought that would be helpful.

Senator DEWINE. That would be great.

Judge KING. Be happy to do that.

[The Information follows:]

At the hearing, you also inquired as to the number of judges authorized for the Superior Court, the current number of vacancies, and the number of judges whose

terms expire this calendar year. The District of Columbia Code, Section 11-903, authorizes 59 judges on the Superior Court. The Superior Court currently has 3 judicial vacancies. The Senate confirmed two of the three candidates nominated by the President in late May. They will be sworn in this July. It is not unusual for there to be one or more vacancies on the Court.

Judge Queen is the only judge whose term will expire this calendar year; she is retiring this month. The President's nomination to replace Judge Queen is now pending before the Senate. In addition, Judge Wynn recently announced her decision to leave the bench in October, 2001.

Senator DEWINE. Before we move away from this particular issue, let me make sure I understand. Your goal in the Permanency Branch is to have three judges, nine magistrates. The nine magistrates would basically be hired with the understanding that this is what they are going to do. I will let you read your notes.

Judge KING. I am—I am pointing out that we have been focused on the neglected and abused children in the Permanency Branch. There is, of course, also an adoptions calendar, termination of parental rights calendar, and a custody determination calendar. Those would each have judges. So they are actually—

Senator DEWINE. That would be a separate branch?

Judge KING. No. Would be within the permanency branch, but they are all related to the neglected and abused children. In other words, to achieve permanency, you have to get to adoption or—

Senator DEWINE. Right. Right. You couldn't separate those.

Judge KING. Or TPR or you have to do one of those other things.

Senator LANDRIEU. Well, could we clarify, though, then how many total judges we are talking about?

Judge KING. It is still 15 judges and 17 magistrates in the Family Division.

Senator DEWINE. How many in the Permanency Branch?

Judge KING. In the Permanency Branch, six judges and then the nine magistrates.

Senator DEWINE. Six judges.

Judge KING. Six judges because of these other calendars that I frankly wasn't thinking of.

Senator DEWINE. Okay. Wait a minute now. I got the numbers, but take a case through for me. Are we switching judges here in the middle of the stream here? I mean, Permanency Branch covers, give me the list of what you cover. You cover—

Judge KING. Permanency branch is abuse.

Senator DEWINE. Abuse. Adoption. Neglect.

Judge KING. Then have you an adoption calendar. A termination of parental rights calendar.

Senator DEWINE. Well, now wait a minute now. The termination. You say calendar.

Judge KING. That means a judge presiding over those cases.

Senator DEWINE. Well, how could—why would, why, you mean you would have a different judge—let us say a case comes in, allegation of a child has been abused, okay. Judge makes a determination, got to take the child out of the home for a while. Takes the child out of the home. Comes up every so much, you review the case. You are working with children's services. That judge, Judge X is doing that. Okay. Now, are you saying that at some point when you are getting ready to terminate rights and that goes to a different judge? I must be confused.

Judge WALTON. It might.

Senator DEWINE. Well, why in the world would that happen?

Judge WALTON. For legal reasons. A party may believe and may file a motion for a judge who has handled that matter throughout the process to recuse him or herself in reference to the termination issue because they may believe that the judge has already formed opinions about the parents and therefore the parents may feel that they may not receive a fair adjudication before that particular judge, so they may move to have that judge—

Senator DEWINE. Well, are those automatically granted?

Judge WALTON. They would not automatically be granted.

Senator DEWINE. I would hope not. I mean, it is the one person in the court system who knows what's going on. You have lived with this mom and dad, who are no good for 4 or 5 years and you finally come to the conclusion based on all the evidence that they are never going to be any damn good. And this kid never can live there.

Judge WALTON. That is very true.

Senator DEWINE. Now, we are going to get another judge. I am not blaming you, Judge. I just think it would be absurd if they do that.

Judge WALTON. We would hope, we would hope that would not be the case. But we also have a Court of Appeals that we have to answer to. And we have due process.

Senator DEWINE. But what you are telling me is that would not automatically switch over?

Judge WALTON. It would not.

Judge KING. No. The notion of—

Senator DEWINE. So the one judge could take that case basically all the way through.

Judge WALTON. We would hope that would be the norm.

Judge KING. That is the desired response.

Senator DEWINE. Okay. I get it.

Senator LANDRIEU. Could I jump in here too, and I really appreciate the chairman's leeway. Normally we kind of do questions 10 minutes and 10 minutes.

Senator DEWINE. It is a lot easier this way.

Senator LANDRIEU. It is a lot easier this way. And he and I have so many similar views. But I just want to say how concerned I am about the statements about—that were just made about children moving from either abuse judges then to adoption judges, then to termination judges. I think that as we work through this process, if we could get back to what Judge Grossman said, regardless of whether we have it integrated or separated, or how it is established, the most important, one of the most important pillars that I understand reform, and I could be wrong, but I have done this a lot around the country in my own State, is that it is so important for the same case to be handled throughout its entire many different stages by the same judge. But frequently, there will be cases of abuse that turn into cases of adoption or cases of abuse that turn into cases of reunification or cases of abuse that turn into termination of rights plus adoption and then post-adoption services.

So I hope that we could think, and I know you have spent a lot of time thinking about your proposal, but I just have to say, Mr.

Chairman, that that is worrisome to me. I just have to say, Mr. Chairman, that I hope we can revisit the issue of the structure so that one goal we reach, whatever the numbers are, whatever the training is, whatever the term time of the judges and magistrates, is that we try to keep the children in the same, before the same judge—the families before the same judge so that that 18 months that we have put into effect as law, and I want to say to the chairman, I know he feels this way, but I have every intention as a co-sponsor of that legislation of making that 18 months the outside limit of what a child has to go through to be outside their biological family. So they are either going to be back with their family and we are going to hopefully have services around the country to support it, or they are going to be with a new family.

Senator DEWINE. And let me just add, I totally agree with your comments. The continuity is absolutely vital in my opinion. And I must also, Mary, comment about the time limit. I mean, my experience, well, what I have seen is unfortunately the time limit is becoming, it flips and instead of being, the maximum as we intended it to be, it is sort of like everyone says, well, we have got 18 months. And that is just, I am not talking about the District. I am talking about around the country, and it is a problem and I do not know how we are going to deal with that, but I think this Congress frankly has to revisit that.

Judge KING. If I may?

Senator DEWINE. It is just becoming, I have seen too many counties in my home State of Ohio where it is just, oh, that is just 18 months and whatever the time period is, we got that long, let us not worry about it.

Senator LANDRIEU. Yes.

Judge KING. If I may address, because the concern I understand is very real. I do not want to leave here with a misunderstanding. Our vision is that a magistrate picks up a case and that is, that case belongs to that magistrate until it is closed by a permanency decision. But we can't abandon due process. We can't abandon the law, and that will require sometimes a contested trial.

Let me also make sure that everybody understands, TPR is when you have a contested situation where you may already have, for example, an incipient adoption ready to go. You have made all those services, but you need to deal with a contested termination of parental rights situation.

Senator DEWINE. Right.

Judge KING. Where you may be unable to do it by consent. That has to be done and sometimes due process is going to require that that be done outside one magistrate. But the design is not to have people going from magistrate to magistrate or judge to judge.

Senator LANDRIEU. So the case would stay with the magistrate. It would not be moved, regardless of whether it is abuse or neglect, termination, reunification, adoption.

Senator DEWINE. It is the same kid.

Senator LANDRIEU. Same kid. Same magistrate. Same family. But under your plan, you are proposing they may see a different judge at a different calendar, like an adoption calendar.

Judge KING. Yes. If it is necessary for due process reasons or because—

Senator DEWINE. But that will not show up automatically. That won't flip over automatically?

Judge KING. No.

Senator DEWINE. That would have to be a motion in court. Somebody is coming in and saying—

Judge KING. Exactly right.

Senator DEWINE. Obviously Judge King is prejudiced, he has ruled against me 18 times in a row, obviously he hates me.

Judge KING. Then if it does go over, far better to have that in the Permanency Branch, where you have got judges who are still in the work and up to speed and knowing what's going on.

Senator DEWINE. Judge Grossman? Just jump in here, all of you, Judge Walton, we are pretty informal today.

Judge GROSSMAN. One thing that will help this Permanency Branch concept is if there is one judge who is in fact the presiding administrative judge of that branch, one of these six is one judge who is in charge and probably envisions being there for the long pull.

Senator DEWINE. Why does that matter?

Judge GROSSMAN. Well, that will add stability and responsibility to that section. I hear Judge King saying well, you are going to have to have some contested cases that will move to a judge. That isn't necessarily the law. You know, across the country, we have this same problem, and in fact, again, in my own court, the magistrates handle contested, uncontested, you name it. It doesn't matter. It is a matter of what you clothe them with in the way of authority. So you can do this in different ways, but you need to look carefully at the authority you have given to the magistrates here in Washington, D.C.

Senator DEWINE. Well, let us talk about that a minute. That is an interesting question. How much authority do the magistrates have? Can they take this case all the way? Is there something to stop that from happening? Is there something in the law that is written or—

Judge WALTON. We would have to change the law to the extent that there would not be a requirement of consent by the parties for the magistrate to handle certain matters.

Senator DEWINE. The law is now what? Explain to me what it is now. What do you have to have consent for?

Judge WALTON. There has to be consent of the parties for the magistrate to handle certain types of matters.

Senator DEWINE. What would those be, Judge?

Judge WALTON. Clearly there would have to be a consent in reference to adoption and termination.

Senator DEWINE. What would those—do you know what those are, though? Where you have to get, the magistrate can't hear the case unless there is consent of the parties?

Judge WALTON. I have to go back specifically and look at the legislation.

Senator DEWINE. Judge King?

Judge KING. It would include a contested adoption trial or TPR trial. It would include other things unrelated to the civil trials and criminal trials.

Senator DEWINE. Let me ask, well, what's your opinion about that?

Judge KING. For the Permanency Branch, our expectation is we would change so that the magistrate would have full authority without consent. Parental consent. I think what Judge Grossman has in mind and what we have in mind is very much the same.

Senator DEWINE. I mean, quite candidly, I know I will shock the judges in this room, but I would assume that the magistrates can handle these cases as well as the judges can.

Senator LANDRIEU. Do not tell the judges that.

Judge KING. That is probably true.

Senator DEWINE. I mean in all seriousness, if they have got the expertise. You hired them. They got to be good.

Judge GROSSMAN. Mr. Chairman, in my court, that is true. The magistrates know their stuff.

Senator DEWINE. I mean that is what they are going to do every day. I mean quite frankly, Judge, one of the things that I like about this is I get to understand it better, the permanency of the magistrates and the expertise of the magistrates. It seems to me that that is going to be the saving grace even if you have trouble keeping—if it turns out under your proposal that no judge can stand it for more than 3 years. I mean even assuming you get a lot of movement up here which you do not want, but the saving grace is going to be you got the magistrates sitting down there who are going to do that every day and they are going to develop the expertise and they are going to be able to do it, so I guess as we look at what you are planning on doing, it seems to me that the more flexibility you can give yourselves—I mean, there is nothing to stop you from pulling the case up, I guess, but you know, it seemed to me that you would want to be in a position where that magistrate can handle just the bulk of this stuff, if not all of it, and then if you decide that is not working, you want to pull some of these up, you can, I suppose, do it. But I would let that magistrate have an awful lot of authority.

Judge KING. That is exactly what we have in mind, and in fact, what I see, and I think we are still, some of this, you understand, we are still refining and looking at and developing as we go on.

Senator DEWINE. That is why we are talking.

Judge KING. I appreciate that. What I see is the magistrate would ordinarily take the case and we would need the law changed to make sure that the magistrate had full authority to do that. The judge would take selected cases where there were unusual—maybe contempt issues or systemic issues with the agency or something like that. But otherwise the magistrate is the beginning and end of that case.

The other thing I did want to point out, if a case did go out to a separate adoption or TPR calendar, it doesn't leave the magistrate. It goes out there for that contested proceeding, but the magistrate remains responsible for the supervision of the case. Is the child in the right placement or are the right educational services in place, or the right counseling services and the like. That all continues under any circumstances with the same magistrate.

Judge WALTON. And this would be a new system where the case would be handled by one judicial officer from beginning to end, and

at some point we are going to have to test the waters and see what the Court of Appeals will say if we have an objection.

Senator DEWINE. Sure.

Judge WALTON. And that objection is overruled, to what extent the Court of Appeals is going to take a contrary position if the judge keeps the case.

Senator DEWINE. Right. I guess my only point is that you know as you draft this, the law should be as flexible as possible. You always have the Court of Appeals who can look down and say well, you know, obviously there is prejudice here and there is appearance and they should have gotten a new judge. That is life. But you are right. It seems to me to get as much flexibility as you can so these cases can remain right with that magistrate. Mary, do you have anything else on this?

Senator LANDRIEU. No.

Senator DEWINE. If we are done, I want to move to another—I am very much appreciative of one's indulgence, and I think that it looks to me as if with the caveats that I have stated, I think that by and large it makes sense, your approach here with the magistrates and with the way you have it set up with the permanency unit. I mean, obviously what our goal is, everyone's goal is to get the continuity and get the expertise. It is continuity and expertise.

Let me talk a little bit or ask you a little bit about training. The training that you talk about in the plan, is that cross-training? In other words, are you involving the other disciplines at the same time?

Judge KING. Yes. In fact we, in fact we just—

Senator DEWINE. I mean all the different players.

Judge KING. That's right. And actually, one of the things that we have talked very preliminarily about with some of the agency people, and one of the things as you understand, Olivia Goldman was just selected as the new head of Child and Family Services. She actually assumed her duties yesterday morning, so I have not yet had time to set up the lunch that I intend to set up to explore with her how we can work together in a way that gets us off on a footing to let us do our planning together. We have some separation of powers, demarcation lines. We'll honor those, but that doesn't prevent us from rolling up our sleeves and figuring out how we can do this together.

Senator DEWINE. Do you have the money to do that in this proposal?

Judge KING. Some of it will be needed, additional money. We have it in the proposal.

Senator DEWINE. You have included that in the—

Judge KING. Yes. That's correct. I particularly picked up on your point, on cross-discipline training. We just completed training on the psychology and sociology of persons at risk for abuse—for abusing children. I think judges and others working with children in this context need to have not just legal training. We, of course, do need that, but we also need to understand the profiles of the human beings who are involved in this system and how we can better understand what the dynamics are.

Senator DEWINE. Judge Grossman, any comments on training in your experience in Hamilton County? Anything to do or not to do?

Judge GROSSMAN. Well, your comment, Mr. Chairman, of cross-training is extremely important. And the bringing in to this process the people that are going to be assisting the court in their handling of these cases is very important. There is no closer connection that needs to be made between the judges and human services than sitting down together on a regular basis. We did it in Cincinnati once a week for a long time and now we don't have to do it quite so often.

Just working through the problems of getting the systems to mesh, and the only way to do that effectively is for the tops on both sides to sit down together and talk frankly about what's holding the train up. And then, of course, the training will follow under that, and by the way, in the training process, as you are going to also develop a sense of who might be a good recruit for your court staffs or your court magistrates or your court people. You are going to find that, you are going to find some good people in that process.

Senator LANDRIEU. Could I just jump in and say that this is a really, I think it strikes me as a wonderful opportunity with Ms. Goldman now coming in as a new leader on basically the District side and once, Mr. Chairman, we hopefully will move forward and identify the senior judge over this permanency and family—to have their chief administrative officers identified and work as a team to help us really implement the reforms that we hope will be passed and reflected in this legislation, because as you know, it is more than just drafting and passing. It is the implementation where the rubber really hits the road, and I hope we would just keep that in our minds as we move forward. That strong administrative support, working together, just as you said, to make this new system really come to life more quickly, sooner than later because literally lives are at stake and we do not have a lot of time. So I am very encouraged by that.

Judge GROSSMAN. Senator, Mr. Chairman, Senator Landrieu, there is another advantage. One of the things we found in our court when we started our, our pathway to fixing our system is the problem of placing blame, and the court had to admit its own faults. You cannot try to get other people to do things right.

Senator LANDRIEU. The blame game doesn't work.

Judge GROSSMAN. Right. If you are not willing to say look, we are part of the problem. And when you get together, you get the chiefs together and you say look, it isn't just you that is doing it, we are all in this, so the blame game drops out, and you start saying hey, we are all in the same track. We need to work together. We all have enough problems that we need to look at, and that process is helped immeasurably by that.

Judge KING. If I might mention the, current buzz word co-location; we contemplate providing space for representatives of all of the city agencies that would be involved in providing necessary services to children and families. That way when you are in court deciding, for example, we need an educational assessment, instead of saying go talk to a social worker some indefinite time in the future, can you say step out of the back of the courtroom. If you will turn left the second door on your right, go in there, there is a person who will sign you up. Go in and get the appointment you need and get the change going. We plan to do that with the CFSA, Pub-



lic Schools, the Department of Housing, all of the agencies that are critical.

Senator LANDRIEU. That would be excellent if we could fashion something like that. How do you want to do the vote?

Senator DEWINE. Well, how much more—

Senator LANDRIEU. Why don't you go vote and I stay.

Senator DEWINE. There are 2 votes. Why don't we push ahead here for another 5 minutes, see how we can cover—

Senator LANDRIEU. I do have a few questions, but go ahead.

Senator DEWINE. Tell me a little bit about the IJIS. Judge, you used it in Hamilton County, the system, is that right? And Judge, you are into it now?

Judge GROSSMAN. That's right.

Senator DEWINE. How should it work? What's it do for you?

Judge GROSSMAN. Our information system?

Senator DEWINE. Yes. What's it do for you?

Judge GROSSMAN. Well, not only does it keep docketing systems in order, it also has case histories and the whole background of the individual child, the individual family that stands up in front of the sitting magistrate or the sitting judge on his screen.

Every court has computers in it. We are now at the point where we actually have cameras in the court where we can actually tape the whole process, and get everybody's on a videodisc, you know. And I would invite all of you to come and kind of look at what we have got because it might be helpful as you set up. They are not cheap to start with, about \$40,000 a courtroom to get everything you need put into it in the way that you need in the way of an information system, but once you got it, you got it.

Senator LANDRIEU. But is this something unique to Ohio, Mr. Chairman, or is this a system that has been developed that is off the shelf software, pretty much, that many courts are using?

Judge GROSSMAN. No. No. Every court is sufficiently unique, every jurisdiction, that they cannot just take it off the shelf. You are going to have to do some development on your own now. Obviously, you can use some systems as a guide or as a base to start with, but do not try to put in a system that is going to be one size fits all. It won't work. You need to let the Washington, D.C. courts really take the lead in developing their system.

Senator DEWINE. Judge, where are you on this?

Judge KING. We are at the point where we actually have had a needs analysis done for our entire court system. We are like many State courts, we have a patchwork of systems so we have got 18 different database systems that do not communicate with each other and many of them are difficult to use and outdated. We have done a study to set out the parameters, what it is we need. The recommendation coming out of that is that we do just what Judge Grossman says, take advantage of the off the shelf items, which have come a long way, to the extent possible and then build on that platform.

And my commitment from the beginning has been that as soon as we are given any funding to proceed with that—we patched it together and sort of strung along on grant money, but as soon as we are given the serious, I think it is between \$1.5 and \$2.6 million that we need for the Family Division piece of it, that is where we

will get started. We will get this platform built. Ultimately, what I want to see is a system that encompasses the entire court system so that a magistrate sitting in an abuse case will be able to immediately and easily figure out, well, is there a landlord/tenant issue that's holding things up here that could be resolved in a way and that type of thing.

Senator DEWINE. Judge, Congress did appropriate \$2.5 million for this. Where is that?

Judge KING. It had a—this was, I think a couple of years ago. We were zeroed out last year.

Senator DEWINE. 2000 budget.

Judge KING. That's right.

Senator DEWINE. 2000 budget, \$2.5 million.

Judge KING. The language said, this is before my tenure, so I do not know all of the details, but as I understand it, the language read "up to \$2.5 million". It didn't say 2.5, and because we were faced with other emergencies in the CJA funding, did not use the money at that point.

Senator DEWINE. Okay, so that money, that \$2.5 million was never used?

Judge KING. That's right. And it said "up to", though, and that is the problem. I would hope that in this we would have a clear sense of what's earmarked and what's not. If there is something earmarked for technology, then that is my wish.

Senator DEWINE. Your total request for this is what, though?

Judge KING. For the entire system courtwide is \$7.2 million from where we are now. Minus some grant money, which I think brings it down to maybe \$5.9 or \$6, somewhere in there.

Senator LANDRIEU. But this piece of it is—

Judge KING. Family piece is \$2.6 million total, and I think we have some grants which will bring that down a little bit in order to complete the Family piece, and you understand what I want to do is build the—

Senator LANDRIEU. Family piece first.

Judge KING. Piece of the platform, but the platform has to be consistent with what we are later going to do, so we will build the Family out so that is complete and ready to go, but we will do it in a way that we can then add on in a consistent fashion so that we then end up with the entire system.

Senator DEWINE. We have two votes. I think we better come back. What do you want to do? We have got—I have got some more questions. Can you all hang with us for a while?

Senator LANDRIEU. About 15 minutes. We will take a 15-minute break.

Senator DEWINE. Mary is a lot more optimistic than I am, but—

Judge KING. I have testified, please take your time.

Senator LANDRIEU. We will vote fast and we will try to come back.

Senator DEWINE. We will see you all in 15 or 20 minutes.

Senator DEWINE. We will get started. Senator Landrieu is on her way. I just have a few more questions. Just so I understand, Judge, your understanding is that that, the facts are that \$2.5 million just was never spent at all then?

Judge KING. One thing—it slipped my mind, and in fact I was engaged, I was one of the slowdown guys. Part of the reason we didn't spend it is we weren't ready. We didn't have the planning in place and I have always been an advocate of advance planning, we aren't going to spend this money until we can spend it wisely, so it was partly we weren't ready to go in that direction. We did do some of it. I think we ultimately ended up spending \$350,000 or something that year. But it was spent—I think we had a, an emergency need in the CJA funding, for good or ill. Again, this wasn't my decision.

Senator DEWINE. CJA is what?

Judge KING. I am sorry. Criminal Justice Act. Compensating lawyers for indigent defense. We had to cover that, and so we did.

Senator DEWINE. That is how you did it.

Judge KING. And that is how we did it. So the money was spent properly and we apparently misread the intent of the language that said “up to”, and one of the things I am very hopeful is that as we go forward from here, now it is my watch, and I want to be sure that we stay in touch enough so that if there is an intent that we spend that type of money—

Senator DEWINE. But you would be ready to roll fairly quickly?

Judge KING. That's correct. We are ready now.

#### BACKLOG

Senator DEWINE. Let me talk about the backlog. I think Judge Walton and Judge King, I think you both talked a little bit about the backlog, at least in your prepared statement. What do you mean by backlog? I mean, what constitutes a backlog and what are you going to do about it? But what is it, first of all?

Judge WALTON. We do not call it a backlog. The older cases, the cases that are currently in the system post-disposition that are currently being supervised and reviewed by judges, and as I indicated, that number is about 4,500 cases. That is a real difficult problem for us to deal with, and we believe that to transfer those cases back to the newly created Permanency Branch would impede the ability of the new Permanency Branch to handle new cases that are coming in.

Senator DEWINE. Give me an example, though. Just make up one example.

Judge WALTON. Of a case that is difficult?

Senator DEWINE. Well, of a—Judge King in his prepared statement said, let me read it to you. “Most of the 4,500 children for whom the court is responsible are unlikely to be adopted. It will be very difficult to place many of them in permanent homes. The majority of children enter the system at age 7 or older, when adoption is unlikely.” Are these the kids we are talking about in this?

Judge KING. If I can jump in, since that is my statement, I realized after, as you know, we have been on a very fast track. I do not mean by that, that every effort wouldn't be made to get them adopted. We certainly go in with the attitude that in—any case as far as we are concerned—this case is going to reach a permanency closure in a reasonable time. What I meant by that statement is that we do need to be realistic that some of these cases do have real challenges in them and we shouldn't plan on or build a struc-

ture that would be overwhelmed if our expectation of a very rapid drop in the caseload weren't realized because some of the cases are problematic.

I can give you an example of a child who had severe learning disabilities who was Hispanic speaking. There was a very good foster care situation. The readily available resources included a Hispanic school and a special school, but not the two together. And so there had to be a very expensive private education option taken which could not have been done under the existing adoption subsidies.

So now we are stuck with these foster parents who would love to adopt that child and close the case and be on with their lives, but out of love for the child, they cannot do that because the best interests of the child would be frustrated if they did that. So it is that kind of situation where there are just issues that aren't necessarily going to neatly get packaged up and resolved quickly. But we need to. Obviously with more resources, I hope the caseload will drop in half in a reasonable period of time. But we do not want to build a structure which would have no safety valve or no ability to cope with a situation where the caseload didn't drop right away, and that it took some time to get it worked out.

Senator DEWINE. Judge Grossman?

Judge GROSSMAN. I think when you speak about backlog or the current cases that are in the pipeline, it will be important, first of all, to elect a date upon which your new process begins, so that the backlog or the old cases are not simply added to it. You do not push more over in that direction, so that is the first important step. Set a date. Move your new system forward at that date with the new filings.

The older cases, it has been the experience across the country where you start looking carefully at all of those older cases and as Judge King says, you start trying to solve them. Each one may have a little different glitch in it or little different problem, but you try to solve it and work at it, and the experience has been that in fact the shrinkage occurs in a relatively, I do not want to say fast way, but in a relatively efficient way. Those cases are not nearly as intransigent in general as the number would seem to indicate. You'll find that you can work them to get into some form of permanency, to get them into some form of stable situation where they come off the court's calendar.

Senator DEWINE. In the example that you gave, are you saying that basically the permanent situation is that this child is going to be in this home, he is going to be—for economic reasons cannot really be adopted, and that child is going to be in that home until he or she leaves?

Judge KING. That's right. And now that might be listed as an extended foster care situation, but in fact, there is bonding, and the child is part of that family.

Senator DEWINE. In fact, you have resolved that case as best as you can.

Judge KING. As best as we can. That's correct.

Senator DEWINE. What do you do with it then? You put this over in a different category?

Judge KING. Under law, as long as it is in foster care, we have to review it twice a year under supervision.

Judge GROSSMAN. You need a category, like some people call it permanent guardianship, some people call it permanent custody. There is a system in many States, in ours and many others, where you simply have a category that says to this family with whom this child has bonded, it is your child. You have authority over that child. You have custody permanently, and you cut off the court's review.

Judge WALTON. I have a case almost exactly like Judge King described. The problem is that the money is available to provide the educational resources for this child who also is severely learning disabled and in the foster care process, but if we went to guardianship or if we went to some other type of arrangement, funding at that level would not be available so the child could not remain in the most appropriate educational setting.

Senator DEWINE. Which also tells those of us in Congress that we got a problem with the law, but that is long-term. We do.

Judge KING. My thought is that if the different options, whether it is permanent guardianship or permanent custody or adoption, if they could be rendered revenue neutral, so that whatever is available, whatever you do and you close it, the revenue is the same for people who step in.

Senator DEWINE. I mean the reality is the local jurisdiction ought to have the option to make the decisions, whether it is, you know, however you label the child shouldn't be the determining factor. The child should be the determining factor. We are not going to solve that today, but that is obviously the problem.

In the area of adoption, that really is not your, you are not the moving force in that, though? You are the receiving player. I mean, in other words, in the D.C. system, it is not your responsibility, is it, to go out and find adoptive homes for these kids?

Judge KING. No. Of course, it is our responsibility to see that that effort is being made.

Senator DEWINE. Well, but what do you do in this area? What is your responsibility? Where are the lines drawn? I mean, obviously you have to hear the case, but—but what do you do beyond that?

Judge WALTON. At the review hearing, we will instruct the social worker to advise us as to what efforts have been taken to find an appropriate adoptive or preadoptive home for the child, and that is really the best that we can do. But we cannot initiate adoption proceedings. We cannot go out, as you say, and find adoptive parents.

Senator DEWINE. I mean, at the last hearing we did hear some statistics about what the District has been doing, but that really is not, you are not the moving people there.

Judge WALTON. No. But we do play a role. I mean, we have increased the number of adoptions significantly within the court system, so the court system does play a role in expediting those cases that are actually brought before us for adoption. I think we have done a fairly good job at doing that.

Senator DEWINE. Anything else that any of you would like to make us aware of today? I think it has been a good hearing, and I thank you for coming in. I thank you for your patience. You know, we obviously want to work with you, and we obviously want to help you try to get the funds to try to get the job done. Judge?

Judge GROSSMAN. Mr. Chairman, I would offer the good offices of the National Council of Juvenile Family Court Judges for the model courts projects, for all of the work that we have done in the area of technical assistance. We stand at the ready to help the Washington courts. We stand at the ready to do anything we can to be of assistance in furthering this process. I know, Senator, you are well aware of that work. I just want to make that known.

Senator DEWINE. Well you are a great resource, Judge. You are personally. And the organization is, too. But we—we will utilize the expertise that you have.

Judge WALTON. I would just like to say publicly that we do thank Judge Grossman for his efforts. He has always been willing to speak to us and provide us with sound assistance in trying to solve our difficulties, and I also want to thank you personally, because change sometimes is difficult, and sometimes it is painful to reach that point, but I think the scrutiny that you have shown to this issue has forced us to look critically at what we are doing, and I think ultimately it will result in a better product.

Senator DEWINE. Senator Landrieu?

Senator LANDRIEU. Thank you, Mr. Chairman. And he was much better getting back from this vote than I was. Let the record reflect that. But I am glad I was here just to personally thank you all for your good work and say how much I look forward to working with you, as I said, in my opening statement, I think that the document that you have presented is a good working document. It is a good step, and as we negotiate this between the House and the Senate, and Democrat and Republican, looking at this, I think there is a lot of common ground into how we will shape this reform.

We intend, though, for it to be very meaningful, very real, have as an immediate impact as possible. I want to assure you that with every step of reform that we work with you on, I will do my very best to help provide, and I know the chairman will, the resources to make that real. And Judge Grossman, I want to thank you for giving us some help and expertise and for your testimony about there is no magic way, but there are some magic principles that need to be adhered to for the courts to work, whether it is D.C. or Ohio or Louisiana, and as much as we can adhere to those magic principles, I think that those children and families of Washington will be well served. And I would just hope, Mr. Chairman, we will have some follow-up time.

But in the record I want to just reiterate my strong support for the role of CASA and the workers and the volunteers. I wanted to say because I didn't get my questions about how important I think it is for mediation by the courts and the system to facilitate families, extended families making the best decisions for the children and families as possible.

And I think sometimes across the country, we have used a very adversarial approach unnecessarily, and that this is a chance for us to create and pioneer in some aspects a new model where we are facilitators of helping to strengthen and encourage families to make the best decisions for the long-term benefit of the children in their care and for the parent or parents or guardians involved. So I just think the chairman raised some excellent questions about the role of training and the role of the magistrates and compensation

and term limits of the judges and look forward to working with you all in the process.

Judge KING. Thank you both, Mr. Chairman, and Senator Landrieu. I think the focus by the Congress has been a critical element in accelerating the pace, and in extending the depth of the reform effort that we are going to be able to undertake, and I particularly welcome the signals that you seem to be sending that you recognize the importance of resources to do this work right. And——

Senator DEWINE. Well Judge, we intend to try to get you the resources.

#### ADDITIONAL COMMITTEE QUESTIONS

Judge KING. I very much appreciate that, and I appreciate, I also want to say I appreciate the informal “give and take” of this hearing. I think it is been a very constructive dialogue, and I hope we have been able to clarify some of your questions.

Senator DEWINE. Good. We will continue to work together.

Senator LANDRIEU. Thank you, Judge.

#### QUESTIONS SUBMITTED TO JUDGE DAVID E. GROSSMAN

##### QUESTIONS SUBMITTED BY SENATOR MIKE DEWINE

##### REDUCTION IN CASELOAD AND LENGTH OF STAY FOR CHILDREN

*Question.* What court practices and resources have had the biggest impact on both the caseload reduction and length of time children spend in the child welfare system?

*Answer.* In the 1980's the Hamilton County Juvenile Court created a dependency department and implemented numerous reforms to reduce the number of children in agency foster care and their lengths of stay. We are not able to empirically separate the impact of individual reforms to determine which had the greatest impact. The court, however, views the following reforms as foundational to the success achieved.

The 1980's also marked a major change in the role of the court in handling child abuse, neglect and dependency cases. Prior to implementing reforms, the court largely rubber-stamped agency requests and reviewed cases infrequently. The court played a minor, insignificant role in the management of these cases.

The court shifted from playing a passive role to actively managing cases and accepting responsibility to hold itself and other stakeholders accountable for achieving the goal of timely permanence for children. This was achieved by holding early, substantive hearings as well as scheduling frequent and thorough reviews of the cases. The purpose of more rigorous court oversight was to make certain that cases were adjudicated in a timely manner, that appropriate services were provided, and that cases were moved through the system expeditiously.

With these changes, the court also implemented a system of assigning one magistrate to hear each case from beginning to end. The principle of “one family-one magistrate” was, and continues to be, a crucial component of our system. It allows one magistrate to thoroughly understand the facts of a case and the needs of the parents and children over a series of hearings. It gives each magistrate a sense of ownership and accountability for the handling of the case. It also allows the court to speak with a single voice and convey consistent messages and expectations to the parties.

Finally, the court worked to develop a collaborative relationship with our local child welfare agency. Although reforms were initially met with resistance by our local children's services agency, the court over time was able to establish a working relationship with the agency and this has been important to the achieving successful results. The court met frequently with agency administrators over the years to address systemic issues and problems that have been identified through the hearing process and through the court's management information system. The court facilitates quarterly meetings with the judges, court administrator and each director of the stakeholder agencies to address policy issues that impact the child welfare sys-

tem. Monthly meetings are scheduled with the deputy chief magistrate in dependency and the upper level management from each stakeholder agency to address daily, systemic issues in effort to achieve best practice in this area.

*Question.* What role does information technology play in the administration of your court today—specifically in regard to case management, accountability and information sharing across agencies? Do you follow any specific standards for performance and accountability, such as the National Center for State Court's performance standards or new mandates of the Adoption and Safe Families Act? What impact has the court's information system had on the allocation of support personnel?

*Answer.* The court continues to collect an extensive array of data concerning each child who enters the court system. The data collected includes:

- identification of the parent and child problems that brought the case to court;
- identification of each child's demographic profile, as well as the child's psychological, physical and educational needs;
- tracking of each child's placements; and
- tracking of how each case moves through the judicial system from the initial adjudication and disposition through changes in legal status until the child leaves the system. The information is tracked for the court as a whole and by individual hearing officer.

The management information system is used to accomplish the following: determine the staffing needs of the court; allocate cases among magistrates; monitor compliance with statutory timeframes and internal guidelines; hold dependency stakeholders accountable; and identify problem areas or barriers to timely permanence for children. Our court distributes annual reports to the media, service providers and the community, which allows outside sources to evaluate the process and to determine resource needs.

The case information is reviewed periodically. Although the court has not adopted specific standards for performance and accountability that have been promulgated by other organizations, the court does regularly examine the following trends:

- the number of complaints that are filed and the initial dispositions of those complaints;
- the number of complaints filed that involve reactivated cases;
- the number of complaints that are pending for more than 90 days before adjudication and an initial dispositional order is made;
- the number of motions for termination of parental rights that are pending for more than six months;
- the number of children in each legal status and whether these numbers are increasing or decreasing;
- the number of children who enter and leave each legal status, the length of time children remain in each legal status and the outcomes of the case when children leave a legal status;
- the number of placements children experience; and
- the parent and child problems that bring cases to court.

Areas of concern identified through this review process are discussed within the court and with agency administrators and other stakeholders in regularly scheduled meetings. For example, the court recently identified problems with delays in achieving statutory timeframes for the initial adjudication and disposition of complaints. This court took corrective actions by hiring an additional magistrate. In addition, the court worked to increase the number of attorneys willing to serve as counsel for parents by persuading the Public Defender's Commission to increase the attorneys' fees.

#### *Court Facilities/Space*

It is critical for the court to provide a respectful and enhanced environment for the families we serve, and the Hamilton County Juvenile Court avoided the use of conventional courtrooms as they may be intimidating to the children and families who appear before the court. Our court elected to use smaller, more intimate settings for the dependency courtrooms in an effort to offer comfort while promoting more open dialogue and exchange of information between the parties during the hearings. The "one family-one magistrate" model allows the judicial officer to establish relationships with all the parties thereby fostering an environment of cooperation whenever possible. The intimate courtroom settings compliment this philosophical approach, and it is our belief that this environment is more conducive to the development and implementation of timely, permanent plans for children. Each courtroom is equipped with a silent buzzer in the event that security is need in the courtroom. In an effort to promote privacy and to separate the parties from the delinquency cases, Hamilton County Juvenile Court has an entire floor with courtrooms that are dedicated solely for the use of dependency hearings.



The courtrooms must have adequate space to accommodate the judicial officer, court staff, the agency attorney and social worker, the parents, counsel for the parents, and the guardian ad litem. Courtrooms are equipped with at least three counsel tables: one for the public children service agency; one for the parents; and one for the guardian ad litem. Reliable recording devices are imperative to avoid delays in obtaining transcripts for objections and appeals. We recently installed a state of the art, computerized audio video system in each courtroom.

*Coordination of Delinquency and Dependency Cases*

In Hamilton County, a delinquency magistrate would hear the plea hearing and adjudication on a delinquency or unruly offense for a child who is who is committed to the custody or supervision of the public children service agency and subject to the jurisdiction of the court on the dependency docket. Following the adjudication, the court would transfer the case to the assigned dependency magistrate for the dispositional hearing. The assigned dependency magistrate is in the best position to impose a sentence and to make decisions concerning placement and services for the child. This policy is also consistent with the "one family-one magistrate" philosophy of our court for the following reasons:

- The dependency magistrate has the long-term perspective of the case and is thoroughly familiar with the needs of the children and the families on the docket;
- The dependency magistrate is in a better position to identify patterns of behavior over a period of time, to assess the efficacy of interventions employed in the past and to select the most appropriate intervention or consequence for the child on the delinquency or unruly offense that is before the court; and
- The dependency magistrate is in a position to deliver consistent messages and expectations to the child and the family from the bench.

QUESTIONS SUBMITTED TO JUDGE RUFUS G. KING III

QUESTIONS SUBMITTED BY SENATORS MIKE DeWINE AND SENATOR MARY L. LANDRIEU

PERMANENCY BRANCH

*Question.* Could you please provide a diagram of judges and magistrates for the different branches of the Family Division that was discussed during the hearing on May 16, 2001? In the diagram, indicate the responsibilities of the different judges as well as the magistrates, especially in regard to the Permanency Branch. It would also be beneficial if you would provide a cost in salary for the staff including judges and magistrates.

*Answer.* Attachment A provides a diagram of judges and magistrates for the different branches of the Family Division as envisioned by the Court's Family Division Reform Plan. Attachment B, estimated resource summary included in the Court's Family Division Reform Plan submitted to Congress in early May, lists the positions and costs (in salary and benefits) for the judicial and non-judicial staff needed to fully implement the Plan. As you will note, we estimate approximately \$5.2 million in salaries and benefits will be required.

ATTACHMENT B.—*Resources for Child Abuse and Neglect/Permanency Branch Reforms*

Staffing (Recurring Costs):

Judges and Support Staff:

3 Judges (i.e., for additional calendars for: Neglect, Guardianships and Permanency in Neglect; TPR/Adoptions) .....	\$539,772
3 Law Clerks .....	149,865
3 Judicial Secretaries .....	164,988
3 Courtroom Clerks .....	136,359
3 Calendar Clerks .....	111,474
Total (15) .....	1,102,458

Magistrate Judges and Case Management Teams (3 teams):

9 Magistrate Judges .....	1,489,770
3 Special Masters .....	326,853
3 Case Coordinators .....	164,988

ATTACHMENT B.—*Resources for Child Abuse and Neglect/Permanency Branch  
Reforms—Continued*

2 Attorney Advisors .....	156,764
3 Law Clerks .....	149,865
6 Secretaries .....	272,718
9 Courtroom Clerks .....	409,077
9 Calendar Clerks .....	334,422
3 Calendar Coordinators .....	150,165
<b>Total (47) .....</b>	<b>3,454,622</b>
<hr/>	
Family Court and ADR Support Staff:	
2 Family ADR Case Managers .....	99,910
2 File Clerks .....	53,626
1 Calendar Clerk .....	37,158
1 CCAN Reappointments Clerk .....	37,158
1 CCAN Eligibility Clerk .....	37,158
1 ADR Secretary .....	45,453
<b>Total (8) .....</b>	<b>310,463</b>
<hr/>	
IT and Other Support Staff:	
1 Database Administrator .....	<sup>1</sup> 92,624
1 Applications Manager .....	78,382
1 Database Support/Programmer .....	<sup>1</sup> 78,382
1 Statistical Data Analyst .....	54,996
<b>Total (4) .....</b>	<b>304,384</b>
<hr/>	
<b>Total Staffing (74) (Recurring) .....</b>	<b><sup>2</sup> 5,171,927</b>
<hr/>	
Contractual and Other (Recurring Costs):	
CCAN Rate Increase .....	<sup>1</sup> 797,000
IRS Database Support and Maintenance .....	<sup>1</sup> 275,000
Mediator Stipends (\$100 per session; 2 sessions per case; 2,500 cases) .....	<sup>3</sup> 500,000
Mediator Training (Initial training for 30 new mediators per quarter) .....	50,000
Training (\$12,500 judicial and \$3,500 staff per quarter) .....	60,000
Rental Space for Staff Offices .....	6,074,000
Security .....	284,000
Supplies, Postage and Phone (\$2,762 per employee per year) ....	204,388
<b>Total Contractual and Other (Recurring) .....</b>	<b>8,244,388</b>
<hr/>	
<b>Subtotal, Recurring Costs .....</b>	<b>13,416,315</b>
<hr/>	
Less \$1,263,006 Recurring Costs included in D.C. Courts' fiscal year 2002 Budget Request .....	12,153,309
<hr/>	
Space, Furnishings and Equipment (Non-Recurring Costs):	
Construction of Courtrooms, chambers, in Building B .....	14,450,000
Capital Improvements in Buildings A & B .....	<sup>1</sup> 10,705,000
Relocation Costs (e.g. furnishings, moving, cabling) .....	1,200,000
Renovate space for Family Waiting Room (\$23,750 financed with fiscal year 2001 funds) .....	
Chambers/Office Furnishings and Equipment (\$3,000 per employee) .....	222,000
Equipment:	
5 Photocopiers at 10,000 each .....	50,000
5 Fax Machines at \$750 each .....	3,750

ATTACHMENT B.—*Resources for Child Abuse and Neglect/Permanency Branch  
Reforms—Continued*

IJIS (Family Module: \$2,600,000; Complete System: \$7,100,000; minus \$1,200,000 in grants) .....	<sup>3</sup> 5,900,000
Total Space, Furnishings and Equipment (Non-Recurring) .....	32,530,750
Less \$15,305,000 Non-Recurring Costs included in D.C. Courts' fis- cal year 2002 Budget Request .....	17,225,750
Grand Total .....	45,947,065
Less \$16,568,006 included in D.C. Courts' fiscal year 2002 Budget Request .....	29,379,059

<sup>1</sup>Included in D.C. Courts' fiscal year 2002 Budget Request.

<sup>2</sup>Staffing costs reflect fiscal year 2001 salary plus fringe benefits at 24 percent of salary.

<sup>3</sup>Portion included in D.C. Courts' fiscal year 2002 Budget Request: \$20,000 for Mediator Stipends and \$4,600,000 for IJIS (of which \$1,500,000 plus grant funds are to be obligated in fiscal year 2002 for the Family module).

*Question.* An IJIS will enable the court to track and properly monitor family and other cases in which a family member may be involved. This ensures that all judges and magistrates have access to the information necessary to make the best decisions about placement and child safety. For Fiscal year 2000, Congress appropriated \$2.5 million for the IJIS. The fiscal year 2001 appropriations bill required you to provide Congress with a plan for implementing this program. During the hearing you indicated th[at] around \$600,000 of the \$2.5 [million] was used, what was it used for? Has a formal plan for implementing the IJIS system for the entire DC Superior Court been submitted to Congress? If not, when can we expect to see the plan for the IJIS system? What costs will be involved with its implementation?

*Answer.* Thank you for giving me the opportunity to clarify. No fiscal year 2000 appropriated funds were used for IJIS. To date, only grant funds have been used on IJIS. The Court expended \$350,000 of grant funds in fiscal year 2000 and will obligate \$600,000 of grant funds later this year.

Using grant monies, the Court contracted with the National Center for State Courts (NCSC) to develop a comprehensive requirements analysis for IJIS. In the fall of 2000, the Court submitted copies of the multi-volume requirements analysis to Congress. Last month the Court submitted to Congressional authorizing and appropriations committees the IJIS Request for Proposals (RFP), which provides a detailed plan for the system design and requirements.

SPECIALIZATION

*Question.* In your proposal, when judges rotate out of the Family Division, their cases will remain in the Family Division except under extraordinary circumstances. What is meant by extraordinary circumstances? Furthermore, what safeguards will be implemented to ensure that no staffing issues arise due to the crossing over of divisions for the cases that a judge maintains?

*Answer.* Under the Court's Family Division Reform Plan, all neglect and abuse cases will remain in the Family Division and continue to be assigned to one of the Permanency Branch teams. We are proposing that the judges who rotate out of full time service in the Family Division be permitted to retain responsibility for certain children whose cases present extraordinary management challenges (listed as "extraordinary circumstances" below) and where continuity with the judge as the most consistent adult in the child's life is necessary.

It should be noted that the turnover and caseloads of social workers in the District of Columbia are far higher than the national average and have contributed to the need for judges to remain more involved in children's lives for longer periods of time. We anticipate that as social worker turnover and caseloads drop, children will experience greater consistency of care and fewer cases will need to be retained by judges who rotate out of the Family Division.

If additional training and resources are provided to the guardians and Court-Appointed Special Advocates (CASAs), to ensure they maintain a bond with the child and are independently versed in the child's needs, there will be less need for the judge to remain the one person consistently involved with the child.

"Extraordinary circumstances" may include the following:

- the child is a teenager and permanent placement in a family is difficult;
- the child is 14 years old or older and exercises his or her statutory right to refuse adoption;

- the child is parenting a baby;
- the child is mentally ill, mentally retarded or emotionally disturbed;
- the child has a substance abuse problem for which no effective treatment is available;
- the child frequently absconds from placements;
- the case is nearing permanency and changing judges might delay that goal;
- the child has been terminated from numerous placements and will be very difficult to place again; and/or,
- the child has developed a special bond with the judge due to the absence of continuity in other parts of the child's life.

The number of cases a judge retains would be reduced if permanent guardianship were included with adoption and permanent custody as a legally permissible option, and if all of them were precisely revenue neutral—that is, all services and treatments cost exactly the same regardless of the type of placement.

#### CASES CURRENTLY UNDER REVIEW

*Question.* I understand that there are around 4,500 permanency cases under review. How would your plan alleviate the backlog and how long do you estimate it would take to properly address the backlog issue? Once the backlog gets resolved, how will the system change with regard to staffing needs and assignments, so as to avoid future backlog? Would new employees need to be hired? Would there be additional costs in staff salaries?

*Answer.* Thank you for allowing me to clarify the Court's position that these cases do not constitute a "backlog" in the traditional sense of the word. "Backlog" implies that these are cases that judges have not yet addressed. The cases you refer to are closely followed and reviewed periodically, some as often as each month. These cases have not reached closure for a number of reasons, which relate directly to the best interests of the child in terms of providing long-term security and emotional stability.

To help close these cases, the Court has established a remedial project under which a special master has been appointed to review old cases for closure opportunities. In addition, we are currently undergoing an internal review by all judges of the entire caseload to identify those that may be closed within a year.

The Court's Reform Plan calls for augmenting these efforts by appointing three teams of special masters to expedite review of all pending children's cases to re-examine whether a permanent placement is possible. I am hopeful that as many as half of the cases can be closed by a permanent placement within a year.

In the meantime, the large number of cases pending review requires that they be assigned to judges who are not in the Family Division, so that Family Division judges can address the ongoing cases in Division. However, in order to assure the most effective management and the closure of these cases as soon as possible, only judges who ask to retain the cases and who are willing to take ongoing training will be permitted to do so. I believe this is the best approach using currently available personnel and resources to meet the needs of those children for whom a permanent home has not been found.

Under the Family Court Reform Plan, the bulk of the additional resources will be directed to the growing number of children coming to the Court for the first time. Most of the 74 new employees and estimated \$45.9 million in the Court's request would be used to staff, equip and house teams of judges and magistrates to resolve new cases. Attachment B contains a detailed list of the resources necessary to implement the Reform Plan. Closely focused attention early in each child's case will help expedite permanent placement for these children. The requested resources are critical to the success of the Reform Plan.

#### PERMANENCY PLANNING

*Question.* In your opening statement, you refer to the abundance of hard to place children currently in the system—specifically children who enter the system at age seven or older, children who are HIV positive or neonatal drug-addicted, and children with emotional or behavioral issues. For all of these children, it would be difficult to find them adoptive homes. If adoption is not an option, what other permanency options exist for these children?

*Answer.* If adoption is unavailable, permanent custody and guardianship are preferred where safe and feasible. However, lack of adequate subsidies sometimes make use of these options more difficult. Independent living programs, group homes and residential institutions are among other alternative options.

*Question.* What is the court's plan to expedite establishing permanency plans for these children in compliance with the Adoption and Safe Families Act (ASFA)?

**Answer.** The Court plans to expedite the establishment of permanency plans for these children under ASFA by devoting more judicial and staff time and attention and by establishing a team-based approach to abuse and neglect cases, as proposed in our plan submitted to Congress. We also have reviewed all our current procedures with working groups of court personnel and other stakeholders to create a more responsive Permanency Branch, and to improve the level of coordination with the City.

**Question.** Appointment and Assignment of Judges: I agree with your proposal's emphasis on appointing judges with an interest in Family Law. Your proposal would allow judges already on the DC Superior Court bench to volunteer for a three-year term in the Family Division. How many openings do you foresee in the Family Division? How many judges currently sitting on the bench at the DC Superior Court do you expect to volunteer for the three-year term? Would you agree that the remaining vacancies should be filled with judges who have an interest and experience in Family Law?

**Answer.** A number of judges have indicated potential interest in service in the Family Division as structured in the Court's plan. However, it is difficult to determine how many vacancies would occur without knowing specifics of the legislation that will be enacted and the resources that will be provided to the Family Division. I will remain committed to seeing that capable judges with backgrounds and interest in family law serve in the new Family Division.

**Question.** Space: How many courtrooms and hearing rooms are there at the D.C. Superior Court?

**Answer.** We currently have 65 courtrooms and 13 hearing rooms for a total of 78 forum rooms. Two hearing rooms have recently been converted into a family waiting room. The Superior Court has 59 associate judges, 15 hearing commissioners, and 20 senior judges (who sit part time).

**Question.** In the budget, you request \$32.5 million in non-recurring costs for space, furnishing, and equipment. And it is our understanding that the court plans to expand to the Old Courthouse located at 451 Indiana Avenue. What divisions of the Court do you plan to move?

**Answer.** For a number of years, the D.C. Courts have been preparing detailed plans for using the Old Courthouse at 451 Indiana Avenue for the D.C. Court of Appeals, the court of last resort of the District of Columbia. This relocation would free 37,000 square feet in the Moultrie Building that could house some of the Civil and Probate Division operations displaced when the offices, courtrooms and hearing rooms of the Family Division are consolidated on the lower floors of the building. In addition, we are considering use of space in buildings at 515 5th Street, N.W., and 409 4th Street, N.W., as necessary.

**Question.** Coordination: The judge's proposal and the current family court division consist of a number of branches: Domestic Violence, Juvenile Offender, Mental Health and Retardation, to mention a few. How would the following hypothetical situation be coordinated in Hamilton County? [I take this to mean "District of Columbia"]

A 14-year-old boy living in a foster home has an open case in the Permanency Branch. If this same teenager were caught stealing, he would then have a case pending in the Juvenile Offender Branch. It would seem that the judge who has been presiding over his permanency case would be the best judge to preside over the charge in the juvenile branch. However, under the system in the proposal it would seem that the two cases would be before two different judges who would coordinate.

Can you explain how this coordination would take place?

**Answer.** Under the Court's proposed Family Division Reform Plan, the two judges would confer over how to best serve the child. If the crime was not of a very serious nature (that is, not murder, rape, armed robbery or the like), then the permanency branch judge would likely handle the case, continuing to work with the child while the juvenile judge would either close the case or opt for probation to be implemented in the neglect case. If the crime were more serious, the permanency branch judge would close the case, because it would not be possible to provide effective services for a detained child.

**Question.** The proposal indicates the reason for the cases being split between different judges is it would allow the Family Court to choose among the alternatives in both systems. Can you give me examples of some of the alternatives that would not be available among branches within the same division? And why does this occur?

**Answer.** Typically, more services are available in the neglect system than in the juvenile justice system. For example, for a child in the juvenile system, the only available housing alternatives may be incarceration at the Oak Hill facility or deten-

tion in a community-based group home. However if the juvenile case is closed and the child continues in the neglect system, he could return home under "protective supervision"; live with a relative deemed fit and willing to handle a child with his type of behavioral problems; go into foster care; or be moved to a group home.

SUBCOMMITTEE RECESS

Senator DEWINE. Thank you all very much. Thanks, Mary.  
[Whereupon, at 12:02 p.m., Wednesday, May 16, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

## **DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2002**

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**TUESDAY, JULY 10, 2001**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 2:05 p.m., in room SD-192, Dirksen Senate Office Building, Hon. Mary L. Landrieu (chairman) presiding.

Present: Senators Landrieu and DeWine.

### **DISTRICT OF COLUMBIA**

#### **COURTS**

#### **STATEMENTS OF:**

**ANNICE M. WAGNER, CHAIR, JOINT COMMITTEE ON JUDICIAL ADMINISTRATION**

**RUFUS KING, III, CHIEF JUDGE, SUPERIOR COURT**

**CYNTHIA JONES, DIRECTOR, PUBLIC DEFENDER SERVICES**

**JASPER ORMOND, INTERIM DIRECTOR, COURT SERVICES AND OFFENDER SUPERVISION AGENCY**

**JOHN L. CLARK, CORRECTIONS TRUSTEE**

#### **OPENING STATEMENT OF SENATOR MARY L. LANDRIEU**

Senator LANDRIEU. Good afternoon, everyone, and welcome to our committee meeting. Senator DeWine and I are pleased to be here. We may be joined by some additional colleagues, and we also may be joined by Representative Eleanor Holmes Norton, who may come in, but we appreciate the panelists that have been asked to and are willing to testify today about several different important aspects concerning the District.

So we will ask you all, if you would, to come forward and take your seats, Mr. Clark, Mr. Ormond, Mrs. Jones, Judge King, Judge Wagner. I would like to begin with a brief opening statement which I will submit to the record, and I am going to ask Senator DeWine to begin with his opening statement, and then we have, as you know, read and reviewed your statements. You can summarize your remarks, and we will try to move this hearing along as quickly as we can, but we do have some questions to each of you.

According to the schedule today, it looks as though we are going to have votes, several votes between now and 4:00, so we may have to take a brief break, go over and vote, try to come back if we can, but we will just do, Senator, the best we can. Do you want to add anything before I start?

Senator DEWINE. No.

Senator LANDRIEU. Let me again take this opportunity to thank all of you for being here. I know that each of you and the work that you do for the District and really for our whole Nation, you are very busy. Your willingness to help us better understand the funding needs and remaining challenges for the D.C. courts, the Court Services and Offenders Supervision Agency, and the Office of Corrections is very much appreciated.

As we all know, in 1997, in an effort to help the District rebound from its financial distress, the previous administration worked with us in Congress to enact legislation that would shift certain district functions traditionally carried out at the State level to the Federal Government.

We enacted legislation, the D.C. Revitalization Act, eliminating the approximate \$600 million appropriated by the Federal Government to the District. Instead, the act transferred several functions of the D.C. Government to Federal supervision. It was decided that the Federal Government would be fully responsible for two specific areas, and that is what our hearing is about this morning.

The first function transferred the criminal justice activities into two main components, the D.C. courts and the transitional D.C. Corrections Trustee System. Specifically, the following changes were made: federally funding the Superior Court, free trial services and defender services, transferring sentenced felons from D.C. Lorton Correctional Complex to the Bureau of Prisons, and transferring parole decisions from the D.C. Parole Board to the U.S. Parole Commission. Also, the Court Services and Offender Supervision Agency was established as an independent Federal agency.

Although any criminal justice system faces coordinating challenges, this unique structure and funding in which Federal and D.C. jurisdictional boundaries are mixed creates additional challenges for all of us. Each of you in your respective capacities has been faced with overwhelming challenges, and in most instances has succeeded remarkably in overcoming many of these challenges, yet it is clear that we face some additional problems and concerns that are ahead.

For the Office of Corrections, many of these challenges rest in completing the closure of Lorton Complex, which we will hear more about today, and the transfer of all adult sentenced felons to prisons operated by the bureau. As you well know, under the terms of this act, all D.C. felons must be transferred from Lorton to various facilities by December 31, 2001, which is the end of this year. It is my understanding that approximately 4,500 of the 8,000 adults have been transferred to the permanent custody, but this means that there are another 3,500 inmates remaining to be transferred.

I know the progress has been somewhat restricted by overcrowding issues—the problems were highlighted by the Youngstown incident—and the consequences of significant staff reductions, but there are real challenges that require real solutions, and we are anxious, both of us, to hear some of the specifics today.

I am particularly concerned about the relocation of inmates who are parents of young children, and that was an issue when this was initially crafted and created. I think it remains an issue today, and



I hope that we will get some additional comments on that particular area.

In fact, this budget blueprint and the President's blueprint has included \$67 million for a new program that he is promoting, mentoring children of prisoners, designed to help children of inmates all around the Nation retain intimate connections that are necessary between children and their parents.

So I hope, Mr. Clark, particularly in your testimony, you will take advantage to focus somewhat on this particular new initiative, and how the District could incorporate this new directive into what we are trying to do here.

I am also interested in learning more about the plans for the 9,000 acres which currently make up the prison site of Lorton. About 5,500 of those acres are already preserved as parkland and a national wildlife refuge. I appreciate there are plans underway to continue the preservation of the land at Mason Neck and the undeveloped peninsula that juts into the Potomac, so we will get hopefully some more information.

In addition, I think the effects of this closure, while there are some benefits to it, affect the thousands of employees that are currently employed. Overall, the number of employees has already been reduced by 46 percent, a reduction of about 2,000 employees. While I understand there is a policy of priority consideration with the Bureau of Prisons and other Federal and District agencies, I believe that a great number of people, many have families or other considerations which prohibit them from transferring out of this area, so perhaps we could get an update.

With the final closure date fast approaching and the prospective reduction of available bed space, the system put in place and supervised by the agency is all the more important. There will be between 2,500 and 3,000 new cases that will need to be processed through the D.C. Department of Corrections and transported to Federal prisons. This complicated process involves two courts, the U.S. Parole Commission, two offices of the U.S. Marshal, the U.S. Attorney's Office, the Federal Probation, Federal Bureau of Prisons.

Existing pretrial halfway houses are at capacity. Also, about 100 to 400 District inmates are released from prison each month, and the final closure of Lorton will all but eliminate overflow space which is now used when the jails reach capacity, so these are real problems and issues that need to be dealt with.

But somewhat on the bright side, the research that we have received has shown that the use of halfway houses that we have tried to focus on recently has created a dramatic positive effect in reducing the number of repeat offenders. In fact, in D.C. the number of parolees arrested on new charges dropped from 158 in 1998 to 42 in 2000, which are very promising statistics.

I would like to commend the Court Services and Offenders Supervision Agency for their attention and quick intervention in addressing the serious backlog of processing offenders. Yet again, there are significant challenges ahead. Further progress will require this agency to redress the remaining shortages, available halfway house beds and other transitional services for inmates that will be released shortly.

Let me move on to say that I recognize there has been some recent controversy about the location of these halfway houses, and that is a problem or challenge in every community around the Nation. Of course, every community has the right to be concerned about the safety and well-being of the residents that are already in the neighborhood, but I hope that we can work together with the Mayor, with the Council, with the Department to work on these issues and to try to strike a balance between the need of public safety and the needs of finding proper locations for these important services for our community.

One area of transitional service that in my view requires some additional attention is the area of drug treatment. The U.S. Department of Justice reports that over 570,000 of the Nation's prisoners, 51 percent, reported the use of alcohol or drugs while committing their crime. We know this. It is evident. It is not necessarily new research, and we know what to do about it. We need treatment, effective treatment, and funding for such treatment.

So perhaps in some of your comments you could address the successes of the research, which show that when people receive adequate treatment and take advantage of the treatment that is offered, fully one-third can recover almost completely, another one-third can recover with occasional lapses but ultimately will kick the habit, if you will, and then a third basically remain sort of chronic problem areas which then have to be dealt with in other ways, but we know that halfway houses, if run, drug treatment, if it works and is effective, can in fact work to help us in some of the challenges that are before us.

Finally, let me move to Chief Judge King, and I thank you for the courtesies that you have extended and the time that we have spent with the judges in my office, speaking about this issue. I want to thank you all for your work with Senator DeWine and I in our efforts to reform and strengthen D.C. Family Court Division.

Over the past several months, we have conducted several hearings on the recent developments in child welfare. I am pleased by the rate of progress that has been made, but we need to make a lot more progress, and I think the steps of creating and fashioning this specialized court with the right resources and right funding will go a long way to help us relieve that backlog and move children into permanent placement more quickly, which not only helps them but helps their families and the whole community.

Let me also just stress that it is essential that how the specific outcome, whether it is 15 judges or 12, whether it is separate, or separate calendars, the most important things to me are effective and specialized training for judges, for magistrates and support staff, so that they can be up-to-date and knowledgeable with the best practices and staffed correctly so that these reforms can actually take root and we can see real progress in that area.

I would also like to emphasize in my closing the importance of the physical surroundings of this new court. There have been several great examples around the Nation of courts that have reformed and remodeled so that it is a welcoming place for children and their families, not sort of the traditional, adversarial, overwhelming, can be frightening, sterile court environments that we sometimes find.

But as Senator DeWine knows, who is the father of eight, and I as a mother of two and from a family of nine, large families, it is important when you are dealing with children that are emotional, and their parents and relatives, et cetera, that the facilities sort of help us to kind of reach these good ends that we hope for these families.

So I hope in our renovations and our plans for renovation, we can create a court that is a credit to this community and to the Nation, but also really serves our families, and particularly the children, to make them feel comfortable about telling the truth and minimize the trauma that is associated in many of these horrible situations.

Finally, on the tracking system for the automation, I have said in many speeches on this particular subject that it is very frustrating to those of us that have been promoting these changes now for many years, in our own States and now here in D.C., that we can actually track a crate of apples leaving Seattle, for instance, that is being shipped anywhere in the world. We can find out who touched the crate last, where it was stored overnight, how many apples are in that crate, how many, literally, are bruised or not before it is finally delivered, but we cannot still keep track of children—living, human, breathing children in our system, who seem to get lost all the time because of lack of commitment to the kind of data that would keep track of them.

Clearly, the technology is there, because we track crates of apples and goods all over the world every second of the day, but we need to do a better job of keeping track of children in our care, and I hope that we will hear some testimony today about the data collection and dispersement and technology that we are developing.

#### PREPARED STATEMENT

With that, I am just looking forward to hearing each of you, and let me welcome you again and just say that Senator DeWine will have his opening statement, and then before we begin your testimony, just to remind you that your entire statement will be made part of the record, so you can summarize your statement. We would like to limit your statements to 5 minutes, and then we will take a round of questioning.

[The statement follows:]

#### PREPARED STATEMENT OF SENATOR MARY L. LANDRIEU

I would like to first take this opportunity to thank all of you for being here this afternoon. I know that each and every one of you is extremely busy. Your willingness to help us better understand the funding needs and remaining challenges for the D.C. Courts, the Court Services and Offender Supervision Agency and the Office of Corrections is very much appreciated.

In 1997, in an effort to help the District rebound from its financial distress, the Clinton Administration worked with Congress to enact legislation that would shift certain district functions, traditionally carried out at the State level, to the Federal Government. The enacted legislation, the D.C. Revitalization Act of 1997, eliminated the approximately \$600 million appropriated by the Federal Government to the District. Instead, the act transferred several functions of the D.C. government to Federal supervision. It was decided that the Federal Government would be fully responsible for two specified areas, criminal justice and district employee pensions.

The first function transferred, the District's criminal justice activities, are divided into two main functions: the D.C. Courts and the transitional D.C. Corrections System Trustee. Specifically, the following changes were made: federally funding the

Superior Court, Pre-Trial Services and Defender Services; transferring sentenced felons from D.C.'s Lorton Correctional Complex to the Bureau of Prisons; and transferring parole decisions from the D.C. Parole Board to the U.S. Parole Commission. Also, the Court Services and Offender Supervision Agency (CSOSA) was established as an independent Federal agency.

Although any criminal justice system faces coordination challenges, the unique structure and funding of the D.C. criminal justice system, in which Federal and D.C. jurisdictional boundaries are mixed, creates additional challenges. Each of you, in your respective capacities, have been faced with these challenges and, in most instances, have succeeded in overcoming these challenges. For this, you should be commended. Yet, it is clear that there are many challenges still ahead.

For the Office of Corrections, many of these challenges rest in completing the closure of the Lorton Complex and the transfer of all D.C. adult sentenced felons to prisons operated by the Bureau of Prisons. As you well know, under the terms of the Revitalization Act of 1997, all D.C. adult sentenced felons must be transferred from Lorton Correctional Facility to various facilities in the Federal Bureau of Prisons by December 31, 2001. It is my understanding that approximately 4,500 of the 8,000 adult felony inmates have been transferred to the permanent custody of the Bureau of Prisons. This means that approximately 2,500 inmates remain to be transferred before this coming December.

I know that the progress in transferring these inmates has been somewhat restricted by the overcrowding issues plaguing the Federal facilities, the problems highlighted by the Youngstown incidents, and the consequences of significant staff reductions. These are real challenges and will require innovative solutions. I am anxious to hear your thoughts and strategies for the final close-down, the transition and the final transfer of the property back to Virginia.

Specifically, I am sympathetic to those who were concerned that the transfer of these inmates, in some instances several hundreds of miles away from the District, could potentially have a very negative impact on an inmate's ability to reintegrate into the community or, more importantly, his or her family. For several families involved in the criminal justice system, transportation of this nature would be cost prohibitive. As a result, many of the transferred inmates may be deprived of the contact necessary to their ultimate reintegration into society.

I am particularly concerned by the relocation of inmates who are parents to small children. I would hope that special consideration and assistance would be given to inmates who are parents, not necessarily for their sake, but for the sake of their children. In fact, in his Budget Blueprint, President Bush included \$67 million for a new program, Mentoring Children of Prisoners, designed to help children of inmates retain the intimate connections which are vital to their ultimate development as a human being. I hope, Mr. Clark, that you will not only take advantage of this Federal focus on preserving families but also do what you can to incorporate these notions into your transfer policies and inmate services.

I am also interested in learning more about the plans for 9,000 acres which currently make up the prison site in Lorton. About 5,500 of the 9,000 acres are already preserved as parkland and a national wildlife refuge. I appreciate that there are plans underway to continue the preservation of the land at Mason Neck, the undeveloped peninsula that juts into the Potomac River.

Finally, Mr. Clark, I am greatly concerned about the effect the closure of this prison site may have on the employment opportunities for those currently employed by the Lorton facility. Overall, the number of employees has already been reduced by 46 percent, a reduction of about 2,000 employees. While I understand there is a policy of priority consideration with the Bureau of Prisons and other Federal and District agencies, I believe that a great number of people may have families, or other considerations, which prohibit them from transferring out of the area. In fact, in your report, dated April 30, 2001, you stated that only 20 or so employees had availed themselves on the priority consideration program. I hope that you can discuss ways that you have been trying to minimize the effect on the staff displaced by the final closure.

With the final closure date fast approaching and the prospective reduction of available bed space, the systems put in place and supervised by the Court Supervision and Offender Services Agency are all the more important. Between 2,500 and 3,000 new cases per year will need to be processed into the system through the D.C. Department of Corrections and transported to Federal prisons. This complicated process involves two courts, the U.S. Parole Commission, two offices of the U.S. Marshals, the U.S. Attorney's office, CSOSA, Federal Probation, and the Federal Bureau of Prisons. Existing pre-trial halfway houses are at capacity. Also, about 100 to 400 District inmates are released from prison each month, and the final closure

of Lorton will all but eliminate overflow space which is now used when the D.C. jail reaches capacity.

One of the most important functions of the CSOSA is their role in helping parolees reintegrate into society. Research shows that the use of halfway houses can have a dramatic effect in reducing the number of repeat offenders. In fact, in D.C., the number of D.C. Parolees arrested on new charges dropped from 158 in 1998 to 42 in 2000. This reduction occurred in large part because of the Federal policy that required all parolees to be released into halfway houses.

I would like to commend the Court Services and Offender Supervision Agency for the attention and quick intervention in addressing the serious back log of processing offenders. Yet, again there are significant challenges still ahead. Further progress will require that CSOSA address the remaining shortage of available halfway house beds and other transitional services for inmates that will be released into the District; developing community education and understanding for the need for the expansion of these services and selecting appropriate sites for these services.

I recognize that there has been some recent controversy about the location of these halfway houses and the CSOSA treatment center. Of course, any community has the right to be concerned about the safety and well being of its residents and there are certain locations which might put the community and the offender at risk for repeated offenses. However, I encourage the Mayor, the Department of Corrections and CSOSA to work to strike a balance between the need for public safety and the importance of promoting the rehabilitation of previous offenders. Perhaps, there are ways, such as tax credits for employing parolees, to help involve the community in the rehabilitation process.

One area of transitional services that, in my view, requires additional attention and perhaps resources is in the area of drug treatment. The U.S. Department of Justice reports that over 570,000 of the Nation's prisoners (51 percent) reported the use of alcohol or drugs while committing their offense. For this reason, effective drug treatment is critical. Experts report that drug addiction treatment is as effective as treatment for other chronic illnesses such as diabetes, asthma, and hypertension. The U.S. Department of Health and Human Services found that nearly one-third of those in treatment achieve permanent abstinence in their first attempt at recovery. An additional one-third have periods of relapse but eventually achieve long-term abstinence, and one-third have chronic relapses that result in premature death from substance abuse and related consequences.

Despite this, reports indicate that the drug treatment program for D.C. parolees is only serving about 30 percent of the population in need of such services. I am pleased to learn that CSOSA hopes to expand their substance abuse and mental health programs. If used effectively, these programs could not only help prevent a crime but also save the taxpayers a good deal of money.

Additionally, the Public Defender Service provides a critical link between offenders and the criminal justice system. I commend their dedication to ensuring due process is carried out in all cases in the District.

Finally, I would like to commend Chief Judge Rufus King for his willingness to work with Senator DeWine and I in our efforts to reform the D.C. Court's Family Division. Over the past several months, we have conducted several hearings on the recent developments in child welfare in D.C. I am pleased by the rate of progress that has been made so far and hope that we can continue to move in a positive direction. I have reviewed the summary of the Court's requested funding priorities. In regards to the Family Court reform, I would like to stress two areas of critical importance to the success of this venture.

First, it is absolutely essential that an effective and specialized training program be instituted to ensure that the judges, magistrates and support staff are well trained in the areas involving children. Last year, I joined with Senator DeWine in calling on Congress to approve legislation that would provide State courts with the funding necessary to implement such training programs nationwide. The types of issues resolved in the family court are unlike any other legal matters before the court. If properly trained, a judge is a far more effective arbiter of the truth.

Second, I would like to emphasize the importance of the physical surroundings of a family court. Clearly, the first concern is the critical space shortage currently facing the D.C. courts. Yet, I would like to take this opportunity to encourage the courts to use the creation of this new branch to ensure that the courtrooms and waiting spaces are as family friendly as the judges, advocates and the support staff. Several courtrooms throughout the country have found that an inviting infrastructure can be as important to a traumatized child as a successful decision.

Also, I support your efforts to improve the automation and collaboration of information between the different divisions in the courts. Again, I hope that you will make sincere efforts to ensure that these systems are implemented in the family

court. Often times, it is these courts that are the least and last funded. It has always frustrated me that in this day and age, where one can track a crate of apples to Taiwan, we cannot keep better track of children and families in our child welfare system.

Again, I am looking forward to hear from each of you and thank you for your time.

Senator LANDRIEU. Senator DeWine.

STATEMENT OF SENATOR MIKE DEWINE

Senator DEWINE. Madam Chairman, thank you very much, and congratulations on your first hearing as chairman of this subcommittee.

Since the start of the 107th Congress, when Senator Landrieu and I were appointed, and I must say recently reappointed to this committee—an interesting time—we have emphasized the need to reform the District of Columbia's child welfare system and the Family Division of the Superior Court. Today, as we examine the District's proposed court budget, we are, I believe, at a crossroads. It is a crossroads both in terms of responsibility and accountability.

We are here to analyze from a budgetary perspective what the District's resource needs are, and how those investments can play a part in helping the District create a court system that ultimately puts the safety and health of children first above all else.

In our efforts to match resources with reforms, there are a number of issues to be discussed, and right now I would like to focus my attention on the plan to reform the family court and the court's overall role in the child welfare system.

Senator Landrieu and I, along with a number of our Senate colleagues, have developed a discussion draft of a family court bill. We are collaborating with our colleagues in the House to draft legislation which we hope to introduce in both the House and the Senate later this month.

Several important and necessary changes must take place as the District shifts to a family court system. First, I believe it is paramount that the one-judge-one-family concept be the center of the court reform. I say this because judicial consistency will ensure that families will not be shifted, one judge to another. Quite simply, a judge who knows the entire history of a family can better protect the interests of the children who are involved.

Second, the judges in family court should specialize in family law. This is, of course, simpler said than done, as we have found out in the last few months. All judges serving in Superior Court oversee a total of approximately 4,000 cases, regardless of their current court assignment. They preside over approximately two abuse and neglect matters per week, which I think brings up the point of how difficult, under the status quo, it is for a judge to develop over a long period of time the real great expertise that I think is really needed, expertise in the area of family court and children and related issues.

Currently, the court assigns 12 judges to the Family Division. While they are assigned for 2-year terms, the average judicial term is actually about 1 year. This exceptionally high rate of turnover means that cases involving children do not benefit from judges who have had the experience. Judges who serve longer become more fa-

miliar with the law, and they are better able to more consistently implement the law.

I think it makes good common sense to say that, and this is in no way a reflection on the determination of the judges who are in this position. They do a good job. It in no way reflects on their capabilities. It simply is, in my opinion, a matter of common sense that someone who has done something longer does it better, whether it is a teacher, whether it is a welder, whether it is a judge who is dealing with the most precious thing that we have, and that is our children.

Third, I believe that we must make sure that the courts in the District comply with the permanency time line outlined in the 1997 Federal law that I helped write called the Adoption and Safe Families Act. Family and Juvenile Courts across the country have implemented this law, yet the District still only has a plan to implement it. The time for compliance with the regulations has long since passed. The District absolutely must act, and act now. The lives of children are hanging in the balance.

Fourth, we need to maintain case consistency. The court in its budget has requested an additional \$5.4 million for defender services initiatives, to increase the hourly compensation rate for attorneys and investigators. However, there are still many unsolved, unresolved issues surrounding how and when attorneys or guardians ad litem are compensated, which in the end is threatening the adequate representation of children. When examining the court's budget, we need, I believe, to explore options that could help in this situation.

Let me conclude by saying that for the best possible treatment of families a specialized family court is vital, and in creating such a court we must ensure that the resources we provide lead to sound structural changes, changes that will make a lasting, long-term difference. I fear that a newly renovated courthouse and an increased number of judges and magistrate judges is simply not enough to fix the systemic problem that is plaguing the District's child welfare system.

I will say that the changes that have been outlined as far as the structure are unique and I believe, as the chairman has indicated, that they can be integrated into an overall plan of change, and that is something that we obviously need to work on.

The children and families in the District I think deserve better than they have received. They deserve judges who have expertise in family law and who possess a strong and sincere concern for their best interests. We owe it to the people, and we owe it to the children.

Madam Chairman, thank you very much.

Senator LANDRIEU. Thank you, Senator DeWine, for those remarks.

We have had the votes called and we have three stacked votes, and it is usually 15 minutes or more a vote, but Congresswoman Eleanor Holmes Norton is here, and I hate for you to be delayed. Would you like to make a brief statement now, or would you like to stay?

Ms. NORTON. I will stay.

Senator LANDRIEU. Should we go vote, and will you all just take a break, have some water—I wish we could serve you more than that, but that is all we have—and I will be back.

The meeting will come to order, and we will reconvene, and again we apologize, but this is the way these afternoons work here in the Senate and the House.

We will now be prepared for opening statements, so we would like you to keep your time, if the panelists would, to 5 minutes each, and I understand because of the scheduling change that, Judge Wagner, you have an engagement, so we would be pleased to have you go first.

#### STATEMENT OF JUDGE ANNICE M. WAGNER

Judge WAGNER. Thank you, Madam Chairwoman, and to members of the committee, thank you first of all for the opportunity to make an oral presentation to the committee. It is my first time appearing before you, and I am delighted to see you.

As you know, the D.C. Courts have submitted a request for budgetary resources in a very detailed fashion. I think you have a copy of our submission in a white book. I am appearing as chair of the Joint Committee on Judicial Administration, which is responsible for preparing the budget estimates for the Courts, and we approved the submission that was submitted to you earlier as our request.

We comprise, of course, the District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the Court System. To support our mission in 2002 we have requested \$153,046,000, which is divided among the various components of the court system in the manner which appears in our written submission.

I wish to emphasize that after we submitted our request for review by the President and to the Congress, the Superior Court did formulate a family court reform plan some preliminary cost estimates. What I want to emphasize is that those cost estimates are in addition to the amounts which we have requested, except as otherwise indicated.

I think that Chief Judge King in his statement will get into that more, but what our concern is, is that those items that we have previously requested are needed to support what we have, what exists, and to the extent that something else has to be funded, if it has to come from those operations, there is the danger of undercutting other functions which must go on in the Courts, criminal, civil, tax and other types of cases.

During the past year, the Courts have taken steps to strengthen our budgeting and financial management. This is a continuing process. However, we have placed a number of reforms in place of which we have kept you apprised. I would just like to highlight that for the second year in a row the Courts have secured an unqualified opinion from KPMG in an independent audit of the fiscal year 2000 financial statements.

The Courts have also commenced implementation of key aspects of the Government Performance and Results Act. The Courts' fiscal year 2002 budget request begins to provide performance data, and to link budgetary resource increases to enhancements in the performance of our Courts. We have strengthened our Courts' account-



ing system, including refinements that track expenditures by object classification among the Courts divisions, programs, and offices, and we will continue to keep the Congress apprised of the Courts' enhancement of our financial management operations as we move along.

We have initiated a comprehensive strategic planning and re-engineering process that will enable us to then focus our efforts and resources on measurable results. We are pleased to report the beneficial impact that a long-overdue employee pay raise has had on our operations, and we really owe a great deal of appreciation to this committee, which is the committee that supported pay parity for our employees with their Federal counterparts in similar jobs in the last budget cycle.

What we have noticed is that our recruitment efforts have improved significantly. We have 20 percent more applicants for crucial positions today than in fiscal year 2000, and employee morale is noticeably improved.

Many initiatives and programs that enhance management of the courts are underway, including the integrated justice information system, in which you have expressed an interest. Following a comprehensive requirements analysis by the National Center for State Courts, the Courts completed a detailed plan for the new case management system which will not only enhance case processing and information management, but also provide better information for judicial officers and others seeking information about court activity. We have submitted that plan to you, and we are awaiting approval of this plan so that we may proceed with this critical project.

With the assistance of KPMG experts, we have initiated an information technology strategic plan to focus the resources of the Information Technology Division and ensure that their efforts conform to the larger vision and mission of the Courts and the District's justice community.

The Courts are focused on training in all aspects of the law, and in all aspects of our administrative and our court processes. We have an extensive training program for judges and for staff that offers a variety of courses designed to enhance performance.

The Courts are working with the General Services Administration to conduct a building evaluation report, a comprehensive assessment of our capital needs to ensure that our limited resources can be deployed in a most effective manner.

Senator LANDRIEU. One minute.

Judge WAGNER. Oh, I have 1 minute left? I have not touched my priorities. I did want to touch defender services because you mentioned it, but let me just skip to the priorities.

We basically have three or four priorities this year. One is court staffing. Our request includes enough funds to enable the Courts to fill vacancies and to staff mission-critical functions.

Our capital infrastructure. We need information technology in order to come into the 21st Century. Really the integrated justice system will do that.

The other priority is the Old Courthouse at 451 Indiana Avenue. It is a historic treasure. It is a national treasure. It was first constructed in 1831. We already have plans to develop this site for the Court of Appeals in order to free space in the building we are in

now so that Superior Court can expand and use the entire building. Our building was built for 44 judges in the trial court. We now have 59, and we also have 15 hearing commissioners now, which we did not have previously, so we really need additional space.

#### PREPARED STATEMENT

The family court is something, of course—I will just leave that to Chief Judge King, and finally, defender services. We have devoted particular attention to enhancing that program. There is a long overdue rate increase for lawyers, who handle all of the cases in both child abuse, neglect, criminal cases, and guardianship cases. The lawyers have not had an increase for 8 years. The investigators have not had an increase for 13 years. In order to assure competent counsel in all of our cases we feel that this is very essential.

I wish to thank you for hearing us, and we believe that we are taking steps to be fiscally responsible, but adequate resources are necessary to meet these critical priorities.

Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF JUDGE ANNICE M. WAGNER

Madam Chairwoman, Senator DeWine, thank you for this opportunity to discuss the District of Columbia Courts' budget request for fiscal year 2002.

The Courts have submitted a detailed request for the budgetary resources needed in fiscal year 2002. My remarks this afternoon will highlight the Courts' most critical priorities.

Comprised of the Court of Appeals, the Superior Court, and the Court System, the District of Columbia Courts constitute the Judicial Branch of the District of Columbia government. The Joint Committee on Judicial Administration, which I chair, is the policy-making body for the Courts. The mission of the District of Columbia Courts is to administer justice fairly, promptly, and effectively. Through our strategic goals, the Courts strive to provide fair, swift, and accessible justice; enhance public safety; and ensure public trust and confidence in the justice system.

To support our mission and strategic goals in fiscal year 2002, the D.C. Courts request \$153,046,000 for Court operations. Of this amount, \$8,528,000 is requested for the Court of Appeals; \$69,203,000 is requested for the Superior Court; \$33,945,000 is requested for the Court System; and \$41,370,000 for capital improvements for courthouse facilities. In addition, the Courts request \$39,711,000 for the Defender Services account.

Following submission and presidential review of the Courts' fiscal year 2002 request, the Superior Court formulated the Family Court Reform Plan. Preliminary cost estimates to finance the increased judicial and support staff, consolidate the Family Division within the Moultrie Courthouse, and provide space for the additional staff are \$13.4 million for recurring operational costs and approximately \$32.5 million for capital improvements. Of these amounts, \$16.5 million is in the Courts' budget request, although only \$2.1 million of that amount was included in the president's recommendation for the Courts.

#### STRENGTHENING FINANCIAL MANAGEMENT AT THE COURTS

During the past year, the Courts have taken many steps to strengthen our budgeting and financial management. Although this is a continuing process, we have put into place a set of initiatives and reforms that demonstrate our commitment to fiscal integrity and responsiveness to Congressional concerns. For example, the Courts have—

- For the second year, secured an “unqualified” opinion from KPMG in an independent audit of the fiscal year 2000 financial statements.
- Implemented a number of recommendations made by the National Center for State Courts, which conducted an independent study of the Courts' financial operations, including an examination of the budget process; expenditure account-

ing and budget controls; revenue accounting and internal controls; and internal auditing.

- Commenced implementation of key aspects of the Government Performance and Results Act (GPRA). The Courts' fiscal year 2002 budget request begins to provide performance data and to link budgetary resource increases to enhancements in performance. During the past year, upper and mid-level managers participated in a series of GPRA training programs conducted by experts from the Office of Management and Budget, the General Accounting Office, and the Office of Personnel Management.
- Strengthened the Courts' accounting system, including refinements that track expenditures by object classification among the Courts' divisions, programs, and offices.

We will continue to keep Congress apprised of the Courts' enhancement of our financial management operations.

#### ENHANCING MANAGEMENT PRACTICES

The Courts have initiated a comprehensive strategic planning and reengineering process that will enable us to focus our efforts and resources on measurable results. The Courts also have initiated major reform efforts for family matters, and appreciate the Congressional support we are receiving for this work.

We are pleased to report the beneficial impact that the long overdue employee pay raise has had on court operations. Non-judicial employee pay parity with Federal counterparts in similar jobs was attained with the implementation of an 8.48 percent pay increase required by the D.C. Appropriations Act, 2001. The result has been a more stable, skilled, and productive workforce: retention of employees has been enhanced (employee turnover in the last quarter is down 45 percent from fiscal year 2000); recruitment has improved significantly (we have 20 percent more applicants for crucial positions today than in fiscal year 2000); and employee morale is noticeably improved.

Many initiatives and programs to enhance management of the Courts are underway. For example—

- Integrated Justice Information System.*—Following a comprehensive requirements analysis by the National Center for State Courts, the Courts completed a detailed plan for this new case management system, which will not only enhance case processing and information management, but also provide better information for judicial officers and others seeking information about Court activity. We await your approval of this plan so we may proceed with this critical project.
- Strategic Planning.*—Court leaders—both judges and managers—have participated in a series of strategic planning conferences to formulate an updated vision for the Courts' future and to develop plans and priorities to achieve that vision and fulfill the Courts' mission in the community.
- Electronic Filing Pilot Project.*—On May 1, the Superior Court launched a one-year pilot project that requires parties in complex civil cases to file all documents after the initial complaint electronically. E-filing is expected to streamline case management, reduce paper, and provide instant access to case-related documents.
- Reengineering.*—Court managers and staff have participated in training programs on reengineering techniques and philosophies in order to update and streamline the way we conduct operations. For example, a series of clerical jobs has been redesigned, and staff are receiving training to enhance career opportunities, reduce turnover, increase accountability, and provide better service to the community.
- IT Strategic Plan.*—With assistance from KPMG experts, the Courts initiated an IT strategic plan to focus the resources of the IT Division and ensure that their efforts conform to the larger vision and mission of the Courts and the District's justice community.
- Training.*—The Courts have an extensive training program for both judges and staff that offers a variety of courses designed to enhance employee performance. Subjects range from basic computer skills to specific legal areas. For Judicial training, substantive areas of the law are selected and instruction is provided in legal and sociological aspects of the subject. In addition, senior staff and judges attend professional conferences where they have the opportunity to learn best practices from both experts and peers in their fields.
- Capital Planning.*—The Courts are working with GSA to conduct a Building Evaluation Report, a comprehensive assessment of our capital needs to ensure that our limited resources can be deployed in the most effective manner.

- Human Resources Information System.*—The Courts are in the final phases of implementing a new personnel management information system to ensure ready access to detailed personnel information, which will assist managers and policy-makers.
- Independent Study of Court Staffing Levels.*—As recommended by the GAO, the Courts have contracted with experts to conduct a study of staffing requirements. This comprehensive study will provide the data the Courts need to deploy their limited staff resources most effectively and efficiently.

#### IMPROVING DEFENDER SERVICES OPERATIONS AT THE COURTS

One area to which the Courts have devoted particular attention and made significant improvements is Defender Services. The nature of the defender services programs makes it difficult to predict future costs because each year claims are submitted for Criminal Justice Act (CJA), Counsel for Child Abuse and Neglect (CCAN), and Guardianship case assignments made in previous years.

During the past year, the Courts began several initiatives designed to strengthen management of the Defender Services programs and provide better service to the community:

- Payment time cut in half.*—By reengineering procedures to process vouchers, the Courts have reduced the average time from voucher submission to payment from by more than half, resulting in a 29 day turnaround time in June 2001.
- Defender Services obligations tracked automatically.*—In fiscal year 2000, the Courts implemented an automated system to track all CJA and CCAN vouchers presented for payment, from receipt at the Courts to payment by the General Services Administration.
- CJA Plan undergoing revision.*—The Joint Committee is considering major revisions to the CJA Plan to streamline the processing of vouchers and set guidelines for the cost of certain types of cases. The Courts solicited comments and recommendations from the legal community on the proposed revisions and are currently working with the Bar to finalize the Plan revisions.
- Defender Services customer service initiative.*—This fiscal year 2000 initiative includes (1) providing attorneys with computer access to the voucher tracking and payroll systems, to allow electronic queries on vouchers; (2) a dedicated staff member, or “duty fees examiner,” who provides immediate assistance to attorneys with voucher status inquiries; and (3) comment forms, to solicit feedback and suggestions from attorneys for service improvements.
- Standards for submission of vouchers developed.*—The Courts have promulgated revised standards for submission of completed vouchers and the Courts’ payment of interest to comply with District of Columbia Appropriations Act, 2001.

#### THE COURTS AND THE COMMUNITY

As part of the District of Columbia’s criminal justice system, the Courts participate in collaborative projects with other agencies, and provide many services to benefit the community at large. Some examples include:

- Active participation in the Criminal Justice Coordinating Council (CJCC) which seeks to improve the criminal justice system in the District. The Superior Court is currently utilizing the results of a CJCC-sponsored study in its effort to assist the District in reducing police overtime costs, thereby better using resources throughout the criminal justice system.
- The District’s award-winning Domestic Violence Project, spearheaded by the Superior Court, promotes victim safety and integrates the adjudication of both criminal and civil aspects of domestic violence cases. This project provides one central location for a victim to meet with representatives of various agencies, and permits one specially trained judge to address both civil and criminal aspects of a case.
- In cooperation with the D.C. Bar Association, the Courts encourage District high school students to reflect on the law with an annual essay contest to celebrate National Law Day. This year, Ms. Lyndsey Williams, of the U.S. Senate Page School, won First Place for her essay on the juvenile justice system.
- Also in cooperation with the D.C. Bar Association, the Courts participated in the second annual D.C. Youth Law Fair in March 2001. More than 200 D.C. school students toured court facilities, participated in a mock trial, and discussed legal issues of interest to youth, including the effect of pop culture on teen violence and teen rights and responsibilities in the workplace.
- In 1999 the Court established a mentoring program with the U.S. Department of Justice. Justice Department employees volunteer for the program, are screened and then are trained by specialists in the Abuse and Neglect section

of the Family Division. Once trained, they serve as mentors to children in the abuse and neglect system, children who all too often have not had a stable, consistent adult influence in their lives.

#### PERFORMANCE MEASUREMENT AT THE COURTS

As part of our strategic goal of providing fair, swift, and accessible justice, we monitor our performance in efficiently processing cases in terms of (1) the case clearance rate, or the ratio of cases disposed to cases filed in a given year (a standard efficiency measure is 100 percent, meaning one case disposed for each case filed); and (2) the reduction in cases pending at the end of the year.

—In fiscal year 2000, the Courts' caseload management practices resulted in a case clearance rate of 107 percent in the Court of Appeals and 113 percent in the Superior Court.

—In addition, the Court of Appeals reduced its pending cases by 4 percent and the Superior Court reduced the number of cases waiting to be resolved by 8 percent in fiscal year 2000.

In fiscal year 2000, the Court of Appeals saw 1,739 new cases filed. Including pending cases and reinstatements, 4,407 cases were on appeal in fiscal year 2000. During the same time, in the Superior Court, 144,046 new cases were filed. Including reinstated cases and pending cases, 209,329 were available for disposition in fiscal year 2000.

The Courts look forward to enhancing our performance measurement system by moving toward implementation of the strategic planning and related strategies of the Government Performance and Results Act in the next fiscal year.

#### FISCAL YEAR 2002 BUDGET PRIORITIES OF THE COURTS

The Courts continue to require adequate funds to ensure the prompt and fair administration of justice for the citizens of the District of Columbia and the many others who must rely on our court system in the Nation's capital. I would like to briefly discuss the Courts' four highest priorities for which funds are requested in fiscal year 2002.

*Court staffing.*—The Courts' current on-board FTE of 1,127 is 9 percent below the fiscal year 1999 authorized level of 1,239 FTE. The fiscal year 2001 appropriation permits the Courts to replace only 41 of the 76 FTE lost during fiscal year 2000. The fiscal year 2002 request is essential to enable the Courts to fill vacancies and staff mission-critical functions. At a minimum, key vacancies must be filled in fiscal year 2002 to produce court records, process cases timely, and support effective court administration.

*Capital infrastructure.*—The Courts' physical plant consists of 1.1 million square feet of space in four buildings located around Judiciary Square. The oldest building was constructed in 1820 and the newest in 1978. The Courts' capital budget has not received adequate funding for some time. As a result, many basic capital repairs have been deferred and building projects have been delayed. The fiscal year 2002 capital request includes funding for health and safety projects, information technology, the historic Old Courthouse, and to maintain our aging infrastructure. Two critical needs are:

—*Information technology.*—The Courts' current information technology infrastructure cannot meet the demands of the 21st century. In 1998, the Courts launched the Integrated Justice Information System (IJIS), a major capital initiative to replace 18 different computer systems with a unified case management system. In addition, to make financial accounting improvements recommended by KPMG, the Courts' independent auditors, a general ledger system is required. \$2.2 million in capital and operating funds is critically needed in fiscal year 2002 to finance these projects.

—*The Old Courthouse at 451 Indiana Avenue.*—The Courts face a critical space shortage in the main courthouse at 500 Indiana Avenue, which was built in 1978 for 44 trial judges. Today, with 59 trial judges (34 percent more) and 15 hearing commissioners in the Superior Court, 9 judges in the Court of Appeals and senior judges in both Courts, the main courthouse is filled well beyond capacity. The Courts request \$15 million in the fiscal year 2002 budget to continue preservation of the Old Courthouse, a national treasure, and to readapt it for use, once again, as a courthouse, thereby freeing 37,000 sq. ft. for use by the Superior Court in the main court building. The Courts are working closely with GSA and with National Law Enforcement Officers' Memorial Fund, which plans to build a museum near this site. At a minimum, funding is critically needed in fiscal year 2002 to commence design and site preparation work and to prevent further deterioration of the structure.

*Family Court.*—The Court is restructuring its Family Division operations to meet the critical needs of the increasing number of abused and neglected children entering the Court. Our Family Division Reform Plan calls for new teams of judges and magistrate judges to monitor and process the children's cases toward permanency, increased mediation, and enhanced coordination with the District's social services agencies. Although not included in the Courts' original budget submission, the Court estimates \$46 million will be necessary to finance the increased judicial and support staff, consolidate the Family Division within the Moultrie Courthouse, and provide space for the increased staff.

*Defender Services.*—In fiscal year 2000, the Courts devoted particular attention to improving the financial management of the Defender Services programs. The fiscal year 2002 request of \$39.7 million builds on these accomplishments. The request includes \$5.4 million for the first phase of an hourly rate increase for attorneys and investigators. This long-overdue rate increase, the first for investigators in 13 years and for attorneys in 8 years, is essential to ensuring continued high quality legal services to the District's indigent population.

Madam Chairwoman, Senators, the District of Columbia Courts have long enjoyed a national reputation for excellence. We are proud of the Courts' record of administering justice in a fair, accessible, and cost-efficient manner. We believe we are taking the administrative steps, as highlighted above, needed to enhance our operations and ensure the fair administration of justice in the District of Columbia. Adequate funding for the Courts' highest priorities in fiscal year 2002 is critical to our success, both in the next fiscal year and as we plan our strategy to continue to provide high quality service to the community in the future. Madam Chairwoman, we look forward to working with you throughout the appropriations process, and thank you for the opportunity to discuss the Courts' budget request.

Chief Judge King, Anne Wicks, the Court's Executive Officer, and I would be pleased to address any questions.

Senator LANDRIEU. Thank you for your testimony. I understand you may have to leave, so let me just ask one question to clarify, and then you can leave your statement, of course, for the record.

You said you have submitted your budget of \$154 million, but that does not include the additional funding for the new family court.

Judge WAGNER. That is correct.

Senator LANDRIEU. Were you or the analyst able to estimate of that \$154 million in previous years what percentage was sort of committed to family work, because while we can add some funding for what I think we want to do, it is going to have to probably be a combination of some new funding and some current funding that was already previously dedicated for this portion of the courts' charge, and I do not know if you want to try to just answer that generally, and maybe Judge King can—

Judge WAGNER. I think Judge King probably would have the details of that. There is a certain amount of our submission which includes, obviously, some of the staff and judicial personnel who would be devoted to this, and we have come up with an estimate of what we believe the operational costs would be and also what we believe the capital budget requirements would be for new courtrooms and the like, but I think I would defer to Judge King to go into detail on that.

Senator LANDRIEU. Thank you again.

Judge.

#### STATEMENT OF JUDGE RUFUS KING, III

Judge KING. Very well. If I may, I will just—

Senator LANDRIEU. Would you speak into the mike, Judge? Pull that over closer to you.

Judge KING. I will finish that answer briefly, and we can go into it in greater detail, but since that is freshly on the record. We already have 12 judges in the Family Division. That expense and the facilities to accommodate them do not change because of the new family reform plan, so that would carry over directly.

The additional funds, and the reason it is so high, is because not only do we need to add additional staff, which is laid out in our plan—you and your staff have been made aware of that—but we are already, as Chief Judge Wagner indicated, bursting at the seams. I sometimes now have senior judges who want to sit and I am unable to use their services because I do not have a courtroom for them, so every additional person that we would use in the family court reform plan is going to come with a need to build a courtroom, a chambers, and the facilities that accommodate the people and the support staff.

Senator LANDRIEU. Well, I think we understand there will be additional expenses for the physical, the building, courtrooms, the equipment, but I was trying to get, as the percentage of your current budget that is devoted to or directed, operations budget, to sort of the family aspect, so as we try to define it more clearly we could build on the budget that is already there, but we can come back to that.

Judge KING. Well, I think that—let me just be sure that I am expressing myself clearly. The existing budget includes a Family Division expense, that is, judges, and courtrooms, and chambers.

Senator LANDRIEU. In the 154?

Judge KING. In the 154.

Senator LANDRIEU. Okay, fine. I am sorry, then.

Judge KING. What we have submitted as our plan is in addition to that.

Senator LANDRIEU. And it is mostly physical capital improvements.

Judge KING. It is building out—there is a capital expense that I think works out at about \$32 million, and then the balance of \$12 or \$13 million is the cost of additional personnel, but those are all pretty easy—

Senator LANDRIEU. Thank you for clarifying that.

Judge KING. I mean, to the extent that we have not done that, clearly we could derive percentages, but there is already a Family Division operation in that.

Judge WAGNER. Would you like us to try to estimate that?

Senator LANDRIEU. We can figure the other percentages. Thank you.

Judge KING. We would be happy to submit, and if you have any questions that would help clarify it, we would be happy to do that.

I will be very brief, then. I want to thank you for the opportunity to discuss the budget. I fully support the budget request and priorities as stated by Chief Judge Wagner for the Courts' infrastructure, including the technology, the increased space, and restoration of the Old Courthouse, family court reform costs, and a rate increase for attorneys and investigators who serve indigent defendants and families.

This afternoon, I would like to mention the resources required for the reform of the Superior Court's Family Division which were not

included, as we have just been talking about, in the fiscal year 2002 budget request. Let me begin by noting the Court's appreciation for the courtesy shown by both you, Madam Chairwoman, and you, Senator DeWine, and your staffs, in discussing your concerns in the Court's plan. Your willingness to engage in a constructive and informal dialogue on our shared concern for improving service to children and families has, I believe, been very helpful to the reform process, and I hope it will continue.

As you know, our Family Division reform plan is centered on teams of judges, magistrate judges, and staff to serve the increasing number of abused and neglected children coming to the Court, and I am delighted to hear of your focused interest on areas such as one judge and one family, a concept we entirely agree with, and one that we have already been substantially implementing with juvenile and neglect cases. We are very conscious of the need to expand that and to see that it becomes more firmly and strongly established in the rest of our family court operations.

I am also happy to see your interest and receptivity to the notion of improved training. We have already undertaken some of that, including a recent 2-day conference that expanded the training on ASFA requirements and the like, and the infrastructure, including the technology infrastructure, are critical pieces that we are very much aware of and share your concern that they be done in a way that really serves children and families in a friendly way.

The plan was formulated, or the plan that we are working on now, and this has been discussed—I see my light.

Senator LANDRIEU. Two minutes. I took 2 minutes of your time.

Judge KING. Very well. I will be very brief.

The plan was formulated after submission and presidential review of the Courts' fiscal year 2002 budget request, and so the cost of just under \$46 million has for the most part not been included in the Courts' budget request or the President's budget, which was prepared before our family division reform plan was drafted.

However, to commence the needed reforms expeditiously, resources are required in fiscal year 2002 to hire and train judges and staff and to construct additional courtrooms and office space to ensure that the plan can be promptly implemented.

#### PREPARED STATEMENT

Madam Chairwoman and Senator DeWine, your support for the required resources is critical to the success of the Family Division reform plan. We look forward to working with you throughout the appropriations process, and thank you for the opportunity to discuss the priority in the budget request, and I would be happy to address questions.

[The statement follows:]

#### PREPARED STATEMENT OF JUDGE RUFUS KING, III

Madam Chairwoman, Senator DeWine, I am Rufus G. King, III, and I am appearing in my capacity as Chief Judge of the Superior Court of the District of Columbia and a member of the Joint Committee on Judicial Administration. I thank you for this opportunity to discuss the District of Columbia Courts' budget request for fiscal year 2002.

I fully support the fiscal year 2002 budget priorities Chief Judge Wagner outlined: adequate staffing for critical functions; adequate funding for the Courts' infrastruc-



ture, including technology and increased space through restoration of the Old Courthouse; family court reform costs; and a rate increase for attorneys and investigators who serve indigent defendants.

This afternoon, I would particularly like to address the resources required for reform of the Court's Family Division, which were not included in the Courts' fiscal year 2002 budget submission.

As you know, our Family Division Reform Plan is centered on teams of judges, magistrate judges, and staff to serve the increasing number of abused and neglected children coming to the Court. Although the plan was formulated after submission and presidential review of the Courts' fiscal year 2002 budget request, to commence the needed reforms expeditiously, resources are required in fiscal year 2002 to hire and train judges and staff and to construct additional courtrooms and office space to ensure that our Reform Plan can accomplish its goals.

#### STAFFING

To create the teams of judges, magistrates and support staff to serve the children, the Reform Plan calls for 74 new full-time employees. In addition to the judges and magistrate judges and their chambers staff, non-judicial employees would form the remainder of the case management teams, staff the additional courtroom operations, and administer the expanded Child Protection Mediation Program.

#### TRAINING

Specialized training for Family Division judges, magistrate judges, and staff is a critical component of the Reform Plan. Building on the Courts' existing training program, the increased resources associated with the Reform Plan will provide the enhanced specialization needed to best serve abused and neglected children.

Already, the Court has taken steps to build the expertise of judges and staff in family issues. In May, Superior Court judges attended two full days of comprehensive training on child abuse and neglect law. Local and national experts provided information on a variety of subjects including—

- The Adoption and Safe Families Act (ASFA) and judicial responsibility from the initial hearing through permanency;
- The family unit and how substance abuse fuels the cycle of child abuse and neglect;
- The role of judges in fostering collaboration and providing leadership in the community;
- Mental health experts' means to assess the level of risk to a child and how the District's Child and Family Services Administration determines the best residential placement for a child;
- Child development issues and how they can assist in judicial decision-making;
- Special education, how the Court may initiate the process, and the responsibility of the District of Columbia Public Schools; and
- Mental health intervention.

Family Division staff also attended training on meeting ASFA standards, child protection and welfare, and roles and expectations at Court hearings.

#### SPACE NEEDS

The Reform Plan envisions a consolidation of the Family Division offices and courtrooms in the Moultrie Courthouse, which is large enough to accommodate the expanded Division in a consolidated location. Other offices currently located in the Moultrie Courthouse will be relocated to two other Court buildings (Bldg. A and Bldg. B), which will need to be upgraded and reconfigured. Significant work needs to be completed in both Buildings A and B before offices with increased public traffic can be moved into the buildings, including—

- Roof repair and replacement to curtail leaks;
- Heating, ventilating, and air conditioning (HVAC) repair and replacement of original 1920's vintage air conditioning equipment;
- Increased electrical capacity to accommodate modern office equipment;
- Plumbing upgrades;
- Elevator repair;
- Fire and security system enhancement;
- Restroom improvements; and
- ADA enhancements.

In addition, to accommodate the increased number of judicial officers, additional courtrooms and judicial chambers must be constructed in one building. Support operations currently occupying Buildings A and B will be moved to leased space in the local area, as needed.

Madam Chairwoman and Senator DeWine, your support for the required resources is critical to the success of the Family Division Reform Plan. We look forward to working with you throughout the appropriations process, and thank you for the opportunity to discuss this important priority in the Courts' budget request.

I would be pleased to address any questions.

Senator LANDRIEU. Thank you.

We could hear from all the panelists, Senator, and then come back for a round of questions.

Ms. Jones.

#### STATEMENT OF CYNTHIA JONES

Ms. JONES. Good afternoon, Madam Chair and Senator DeWine. My name is Cynthia Jones, and I am the Director of the D.C. Public Defender Service. I appreciate the opportunity to come before you today in support of the agency's fiscal year 2002 budget request.

As a result of the revitalization act, PDS was established as a federally funded, independent District of Columbia agency. The revitalization act requires PDS to transmit its budget and receive its appropriation through the Court Services and Defender Supervision Agency, but PDS is not a component of court services. We have a separate mission.

The Public Defender Service provides constitutionally mandated legal representation to indigent people who are facing a loss of liberty in the District of Columbia. PDS shares this responsibility with the local court, which is responsible for assigning cases to CJA panel attorneys, private lawyers who provide indigent legal defense representation under the Criminal Justice Act.

While much of our work is devoted to ensuring no innocent person is ever wrongfully convicted of a crime, we also provide legal services to mentally ill people who are facing involuntary civil commitment, recovering substance abusers participating in drug court, juveniles with learning disabilities, and many other indigent people facing a deprivation of liberty.

For fiscal year 2002, the Public Defender Services requests \$20,829,000, and 211 positions in direct authority. Our request would allow us to continue to build upon the success of our current operations and add one new initiative, a community reentry program to educate juvenile and adult defenders of their legal rights and their responsibilities upon returning to the community. This initiative is aimed at reducing the number of offenders who face revocation and reincarceration. To support this initiative, we are requesting approximately \$1 million and 10 positions.

The past year has been very successful for the Public Defender Service. We have increased the number of cases we handle by approximately 29 percent. We have provided assistance to the court in administering the Criminal Justice Act, held over 40 training sessions for CJA panel lawyers, and we have helped to create a mental health treatment program called Options.

PDS joined forces with the D.C. Pretrial Services Agency and the Superior Court and the Corrections Trustee to establish a treatment program for mentally ill people charged with minor, relatively minor, and nonviolent offenses. As a result, mentally ill people who would have been subject to costly institutionalization or incarcer-

ation without treatment are now receiving treatment in a community-based program. We are very encouraged by the success of this initiative.

Madam Chair, one initiative forwarded by the Public Defender Service last fiscal year was a Lorton closure initiative. With the support of the Court Services and Defender Supervision Agency and the U.S. Parole Commission, the Public Defender Service requested funding to establish a unit called the special litigation unit to represent parolees facing revocation. Since August 2000 we have hired 10 lawyers. We have handled over 700 cases, approximately 100 percent of all cases in which an individual is facing revocation of parole.

The fiscal year 2002 budget request for the agency will allow PDS to continue to partner with the Court Services and Defender Supervision Agency and create a community-based legal services program to address the legal needs of adults and juveniles who regularly face revocation and reincarceration for violations of their structured release program.

Because the Public Defender Service provides legal representation to nearly every parolee facing revocation, PDS attorneys have been able to see first-hand that in many instances parolees who have been incarcerated for over a decade require additional legal assistance in order to adjust to their structured community release and the profound changes in the law that have occurred since their incarceration.

Under this proposed community reentry program, PDS will provide legal assistance to parolees on their legal obligations, like payment of child support and compliance with community supervision requirements, and educate parolees on the critical recent changes in the law, like in the areas of domestic violence, victims' rights, violence against women, and sex offender registration.

Similar to their adult counterparts, juveniles who have been released, or who are detained in detention facilities, require additional services, additional legal services in order to successfully transition back into the community. Under this proposal, we would provide special education advocacy to juveniles in the delinquency system who have learning disabilities, and we would provide civil legal services and help juveniles and their families attain critical public benefits necessary for a successful transition.

#### PREPARED STATEMENT

PDS is uniquely situated to provide these legal services, and the PDS reentry proposal is the perfect companion to the community reentry efforts underway by the Court Services and Defender Supervision Agency and other criminal justice agencies. Consequently, I respectfully request your support of this important initiative.

Thank you very much.  
[The statement follows:]

#### PREPARED STATEMENT OF CYNTHIA JONES

Good Afternoon, Madame Chair and members of the Subcommittee. My name is Cynthia Jones, and I am the Director of the Public Defender Service for the District of Columbia (PDS). I appreciate this opportunity to come before you today in support of the agency's fiscal year 2002 budget request.

As a result of the National Capitol Revitalization and Self-Government Improvement Act of 1997 (the "Revitalization Act"), PDS was established as a federally-funded, independent District of Columbia agency. The Revitalization Act requires PDS to transmit its budget and receive its appropriation through the Court Services and Offender Supervision Agency (CSOSA), but PDS is not a component of CSOSA. We have a separate mission.

The Public Defender Service provides constitutionally-mandated legal representation to indigent people who are facing a loss of liberty in the District of Columbia. PDS shares this responsibility with the local court, which is responsible for appointing private attorneys to provide indigent defense representation under the Criminal Justice Act ("CJA panel attorneys").

While much of our work is devoted to ensuring that no innocent person is ever wrongfully convicted of a crime, we also provide legal services to:

- mentally ill people facing involuntary civil commitment;
- recovering substance abusers participating in the structured Drug Court treatment program; and
- juveniles in the delinquency system who have learning disabilities and require special accommodations under the Individuals with Disabilities in Education Act.

For fiscal year 2002, the Public Defender Service requests \$20,829,000 and 211 FTE in direct authority. Our fiscal year 2002 request would allow us to continue to build upon the success of our current operations and add one new initiative, a Community Re-Entry Program, to educate juvenile and adult offenders of their legal responsibilities upon returning to the community. This initiative is aimed at reducing the number of offenders who face revocation and re-incarceration. To support this initiative, we request approximately \$1 million dollars and 10 FTE.

#### PROGRESS ON AGENCY FUNCTIONS AND FISCAL YEAR 2000 INITIATIVES

The past year has been a very successful and productive one for the Public Defender Service. We have been able to work with other agencies to improve the quality of legal services received by indigent people in the D.C. criminal justice system.

#### INCREASE IN NUMBER OF CASES HANDLED BY AGENCY

First, although the legal staff of 100 attorneys at PDS is still relatively small in comparison to the 300 CJA panel attorneys and the 300 attorneys at the local prosecutors office, the agency was able to handle almost 1,000 more cases last year than in fiscal year 1999. In the largest legal services division of the agency—the Trial Division—there was a 29 percent increase in the number of cases handled in fiscal year 2000. All told, the Public Defender Service provided legal representation and assistance in over 10,000 legal matters in fiscal year 2000. More specifically, we have been able to increase the number of resource-intensive and time-consuming serious felony cases handled by the agency. Our experienced attorneys are able to draw upon the institutional knowledge of our staff and the resources of our Investigations and Offender Rehabilitation Divisions, to resolve these complex cases in a manner that is far more cost-efficient than if handled by CJA panel attorneys.

#### ASSISTANCE TO THE COURT IN ADMINISTERING THE CRIMINAL JUSTICE ACT

The second area where PDS has expanded its services is assisting the court in administering the Criminal Justice Act. First, PDS now offers a series of training programs to CJA panel attorneys to further improve and enhance the quality of legal services rendered to poor people in the District of Columbia. In June 2000, PDS instituted the Summer Criminal Defender Training Series, a 20-session intensive and comprehensive training program that was attended by over 200 CJA panel attorneys. The presenters included Superior Court judges, experienced attorneys in private practice, as well as local and national experts on DNA evidence and related topics. In 2001, we have again offered the Summer Training Series and the reviews from CJA panel attorneys have been very positive.

PDS also offered more intense training sessions on juvenile matters. In April of this year, we offered a 6-day training program in Special Education Advocacy and trained 60 attorneys to provide legal representation to children in the delinquency and neglect system who suffer from learning disabilities or special education challenges. This training program utilized presenters from the Department of Education, the DC Public Schools, area law schools and law firms, as well as PDS staff attorneys. Finally, we offered a 5-day intensive juvenile delinquency training session that was attended by 40 CJA panel attorneys. The participants in this program received instruction from Superior Court judges, the D.C. Department of Human Services, local practitioners and law professor and PDS staff attorney on all aspects of

representing children in the delinquency system. Over the course of the next year, we hope to work closely with the court to develop an intensive training program for the criminal defense investigators who work on cases with CJA panel attorneys.

In addition to training, PDS has been working very closely with the court and the Corrections Trustee to institute major improvements in the issuance of payment vouchers for CJA legal services. The new streamlined, automated procedures should be implemented by the end of this fiscal year.

#### CREATION OF A MENTAL HEALTH TREATMENT PROGRAM

The third major project of the Public Defender Service in fiscal year 2000 and in fiscal year 2001 was the creation of diversion programs in cases involving very minor, low-level crimes. In furtherance of this objective, PDS joined forces with the D.C. Pretrial Services Agency, the Superior Court and the Corrections Trustee to establish OPTIONS, a treatment program for mentally ill people charged with minor, non-violent offenses. The OPTIONS program has only been underway for a few months, but already it has had a huge impact. Mentally ill people who would have been subject to costly institutionalization or incarceration without treatment are now receiving critically-needed treatment in a community-based program.

#### FISCAL YEAR 2000 INITIATIVE: PAROLE REVOCATION

Finally, I am pleased to report that the one new initiative for the agency in fiscal year 2000, the Lorton Closure Initiative, has been fully and successfully implemented. Under the Revitalization Act, all of the functions of the former D.C. Board of Parole were transferred to the United States Parole Commission ("Commission") in August 2000. With the full support of the Commission and the Court Services and Offender Supervision Agency (CSOSA), PDS requested funding to create a new unit of lawyers to provide the constitutionally-mandated legal representation to parolees facing revocation before the Commission. With the increased efficiency and strict accountability measures in place by CSOSA, parolees who fall short of their structured supervision requirements are quickly identified and brought to the attention of the Commission. Since August 2000, PDS has represented over 700 parolees, nearly 100 percent of those facing revocation. We estimate that the D.C. Superior Court would have incurred costs in excess of \$600,000 in order to provide this same legal representation through the Criminal Justice Act Program.

#### FISCAL YEAR 2002 BUDGET REQUEST: COMMUNITY RE-ENTRY

The fiscal year 2002 budget request for the agency will allow PDS to continue to build on the success of its current operations and, in partnership with CSOSA, create a community-based legal services program to address the legal needs of adult defendants, parolees and probationers who regularly face revocation and re-incarceration for violations of their structured release program. This initiative will also allow PDS to provide the same community transition services for juveniles in the delinquency system. The costs associated with parole revocation and reincarceration are enormous. Because the Public Defender Service provides legal representation to nearly every parolee facing revocation before the commission, PDS attorneys have been able to see first-hand that, in many instances, parolees who have been incarcerated for over a decade require additional transitional legal assistance in order to adjust to the a structured communitybased supervision program and to the profound changes in the law that have occurred since their incarceration. Under this proposed Community Re-entry Program, PDS will provide legal assistance to parolees on legal obligations, like payment of child support and compliance with community supervision requirements, and educate parolees on critical changes in the law during their period of incarceration, like domestic violence, victim's rights, violence against women, sex offender registration, as well as other legal changes that have occurred under the Revitalization Act ( e.g., truth-in-sentencing changes, abolishment of the D.C. Board of Parole).

Similar to their adult counterparts, juveniles who have been released, or who are detained in juvenile detention centers require additional services in order to successfully transition back into their communities. One very critical, long-standing problem in the D.C. criminal justice system is the lack of post-commitment (conviction) services for juveniles. CJA panel attorneys are not usually involved in a case after the child has been sentenced or institutionalized. PDS, through it's Juvenile Services Program, provide some limited legal assistance to these children while they are at the Oak Hill Detention Facility (representation at institutional disciplinary hearings, street law courses, etc.), but there are currently limited resources available to assist juveniles with the transition back into the community. Under this proposal, PDS would seek to provide:

- Special Education Advocacy to get children placed back in public school and provide the legal assistance to juveniles who are entitled to special education benefits under the Individuals with Disabilities in Education Act;
- Civil Legal Services to assist juveniles (and their families) to obtain benefits that the child is entitled to receive (child support, public assistance, social security, food stamps, etc); and
- educate juveniles under criminal justice supervision, as well as at-risk youth in the community about the law and their responsibilities.

PDS is uniquely situated to provide these legal services, and the PDS Community ReEntry proposal is the perfect companion to the community re-entry efforts currently underway by CSOSA and other criminal justice agency. Consequently, I respectfully request your support of this important initiative.

I would like to thank you and the committee members for your time and attention to these matters and I would be happy to answer any questions the committee might have.

Senator LANDRIEU. Thank you.  
Mr. Ormond.

#### STATEMENT OF JASPER ORMOND

Mr. ORMOND. Thank you for the opportunity to appear before you, Madam Chair and Senator DeWine. CSOSA is comprised of community supervision programs, the pretrial service agency, and we also transmit the budget of the Public Defender Service, as Ms. Jones indicated.

CSOSA requests \$147 million and 1,167 FTE's in direct budget authority this year. Of this amount, \$94.1 million is requested for our community supervision programs, \$32.4 million is requested for pretrial services, and \$20.8 million is requested for D.C. Public Defender Services.

CSOSA supervises approximately 26,000 individuals, 9,500 pretrial defendants, 10,900 probationers, and 5,700 parolees. The period of supervision varies, approximately 107 days for pretrial defendants, 20 months for probationers, and 5 years for parolees.

The typical offender under our supervision shows significant educational, employment, and social deficits, as well as multiple prior arrests, convictions, and a history of substance abuse. Our goal is to reduce recidivism by offenders by 50 percent over the next 5 years, and we think these goals are very, very achievable by the year fiscal year 2005.

Our funding request is tied to five strategic objectives, critical success factors which define what we must do in order to achieve our goal of the 50-percent reduction. I would like to discuss briefly our major achievements in this area, and introduce our proposed initiatives for this year.

The first objective is that of improved risk needs assessment. We have been able to implement a comprehensive risk screener for all probationers and parolees. We are also very proud of a state-of-the-art forensic toxicology drug-testing laboratory. We have been able to increase drug testing among our population by 600 percent. In fiscal year 1999 we had 50,000 samples. In fiscal year 2001 we have had 300,000 samples, a 600-percent increase, which is very significant. In this regard, our request for this year is for \$486,000 to increase our efforts for expanded drug-testing.

In addition, our next major objective is that of close supervision, which is our primary mandate, continued reduction in probation and parole caseload is very significant to us. We have been able to

reduce those caseloads by 50 percent over the last 3 years, and currently we are looking at a 70 to 1 ratio. We still feel our ultimate goal would be one of a 50 to 1 ratio in order to do the level of supervision that we propose.

We have also opened two new field offices in Washington, both on Taylor Street and South Capitol Street, which has been a significant collaboration with the city. We have implemented programs to report reentry, and roughly we are looking at about 2,000 offenders reentering the community over the next year.

PSA pretrial services has also established new restrictive community supervision programs to support the halfway house placements, as well as a new case management system for Federal defendants.

Supervision is the area in which we indicate the majority of our resources. Three of our goals or initiatives are primarily focused under our close supervision. First, we request \$13 million and 92 positions to establish a reentry sanctions center. We propose expanding our existing assessment orientation center, which is on the grounds of Karrick Hall at D.C. General Hospital. We have operated the AOC since 1997 very successfully. We are seeing an 84-percent completion rate among our participants.

In the expansion of this facility and the new sanctions facility we think that we can cover at least 70 percent of those folks that are transitioning back into the community, which is very, very critical to supplement the halfway house issues and resources in the city.

Our second major initiative under close supervision is \$1 million for expanded space and equipment. Our need to move our staff into the community is very, very important. Our collaboration with the Metropolitan Police Department and the community has shown significant successes, so this \$1 million will support an expanded field unit within the community.

We are also occupying current sites that are owned by either the court or the D.C. Government, and because of the initiatives of the court, we need to really look at expanding those spaces.

Our third major initiative is that of reducing the caseload at pretrial services. Now, pretrial services roughly has a ratio of 204 to 1, which is not acceptable. We are hoping to support a reduction in those caseloads for 84 to 1. \$1 million would reduce those ratios to 84 to 1 from 204 to 1.

Our next major initiative is that of treatment and support services, which is the core of what we do. Seventy percent of the people that we are serving are drug-involved. They have a significant history of drug use, and we have found that if there is one precipitator, drug use is that precipitator.

We have been very successful in serving these folks this year. Roughly we have resources to serve about 35 percent of the population. The request this year of \$5.3 million would allow us to expand our contract treatment services to serve roughly about 70 percent of the population that is in need of service, and roughly we have about 7,200 people in need of those services.

Our fourth major initiative is that of partnerships. Again, we have developed 30 community-justice partnerships with the Metropolitan Police Department. We have trained over 3,000 Metropoli-

tan Police officers in our form of supervision. It has been a very successful outcome for us.

Our last initiative is that of timely and accurate information. The Pretrial Service Agency basically processes about 16,000 bail reports throughout the course of the year, and we have registered about 499 people in our sex offender registration. These data bases are very, very important. In order for us to expand these data bases we are requesting roughly \$4 million to expand our case management offerings.

#### PREPARED STATEMENT

We really feel that we have significantly impacted close supervision in the city. The rearrest rate has fallen by 70 percent since 1998 of parolees, and in our partnership with the police department we have seen a 35-percent decrease in violent crimes in those neighborhoods that we have had a full-blown partnership.

Again, we look forward to the support of the committee, and thank you very much for your time.

[The statement follows:]

#### PREPARED STATEMENT OF JASPER ORMOND

Madam Chairperson and Members of the Subcommittee: Thank you for the opportunity to appear before you today in support of the fiscal year 2002 budget request for the Court Services and Offender Supervision Agency for the District of Columbia (CSOSA).

CSOSA was established under the National Capital Revitalization and Self-Government Improvement Act of 1997 (the Revitalization Act) and was certified as an independent Executive Branch Agency on August 4, 2000. The Agency is comprised of the Community Supervision Program (CSP), which supervises offenders on probation and parole, and the Pretrial Services Agency (PSA), which supervises defendants released pending trial. The Public Defender Service transmits its budget with CSOSA's, and it receives a transfer from CSOSA's appropriation.

For fiscal year 2002, CSOSA requests \$147.3 million, and 1,167 FTE in direct budget authority to build on our accomplishments to date and to continue implementation of our strategic plans. Of this amount, \$94,112,000 is requested for CSP; \$32,359,000 is requested for PSA; and \$20,829,000 is requested for the D.C. Public Defender Service.

According to a recent survey, CSOSA monitors or supervises 9,641 pretrial defendants, 10,988 probationers, and 5,663 parolees. The period of supervision varies according to the individual's status. Pretrial defendants are typically supervised for approximately 170 days; probationers, approximately 20 months, and parolees, an average of 5 years. Split, sentence probationers typically serve approximately two years in prison and three years under probation supervision.

As in the rest of the Nation, offenders under community supervision in the District of Columbia are poorly equipped to establish stable, law-abiding lives. The typical offender under CSOSA supervision has four prior convictions and nine prior arrests. Two-thirds are unemployed. Almost half have no high school diploma or GED. The average literacy level is seventh grade. Nearly three-quarters have a history of substance abuse, and almost half have 1 current substance abuse problems. Forty percent show some evidence of a personality disorder. Twenty percent have experienced a major loss of someone close to them in the last six months.

Due to these circumstances, CSOSA is working to maximize opportunities for defendants and offenders to succeed and minimize the risk of reoffense. Unless current trends are reversed, most released offenders will soon return to prison. Nationally, almost two-thirds of all parolees are rearrested within three years. In 1998, probation or parole violators constituted 36 percent of admissions to state prisons.

Our mission is to increase public safety, prevent crime, reduce recidivism, and support the fair administration of justice in close collaboration with the community. Our tools are proven best practices grounded in performance-based goals and measurable indicators of success. Our goal is to reduce recidivism by offenders under our supervision for drug-related and violent crime by 50 percent, as well as to reduce rearrest and failure to appear among supervised pretrial defendants. This will re-



quire maximum performance from both Community Supervision and Pretrial Services, but we believe it is achievable by fiscal year 2005.

In the three years since CSOSA was established, we have put in place a performance management structure that supports our strategic objectives. We have achieved significant progress in changing the way defendants and offenders are supervised in the District.

The Agency's policies and operations are grounded in a cohesive set of strategies that define what must be achieved in order for the overall goal—the reduction of recidivism—to be met. These strategies are the five Critical Success Factors (CSFs):

- Establish and implement an effective classification system, including Risk and Needs Assessment, case management, drug testing, and ongoing evaluation of our progress. Effective community supervision is grounded in sound decision-making about who should be released, what level of supervision is appropriate, and how much progress the individual under supervision has made. Approximately 11 percent of the fiscal year 2002 budget request is dedicated to activities in this area.
- Provide Close Supervision of high-risk defendants and offenders, with intermediate graduated sanctions for violations of release conditions. Approximately 53 percent of the fiscal year 2002 budget request is dedicated to activities in this area.
- Provide appropriate Treatment and Support Services, determined by the needs assessment, to assist defendants in complying with release conditions and offenders in reintegrating into the community. Approximately 16 percent of the fiscal year 2002 budget request is dedicated to activities in this area.
- Establish Partnerships with other criminal justice agencies and community organizations. Approximately 2 percent of the fiscal year 2002 budget request is dedicated to activities in this area.
- Provide Timely and Accurate Information and meaningful recommendations to criminal justice decision-makers consistent with the defendant's or offender's risk and needs profile. Approximately 18 percent of the fiscal year 2002 budget request is dedicated to activities in this area.

Our efforts to this point have focused mainly on establishing the processes and programs through which we will achieve these results. Our fiscal year 2002 budget submission contains our first formal performance plan. By the end of fiscal year 2002, we believe that we will begin to see the benefits from reducing caseloads, increasing drug testing and sanctions, expanding treatment services and establishing additional partnerships with law enforcement and community service organizations. We are confident that our program strategy will result in such positive outcomes as reduced rearrests, lower drug use and expanded employment among the population we supervise.

#### PROGRESS AND NEW INITIATIVES

CSOSA's fiscal year 2002 budget request builds on our progress under each Critical Success Factor. I would like to discuss briefly our achievements in each area and introduce our proposed initiatives for next year.

Under CSF 1, Improved Risk and Needs Assessment, we achieved three important milestones:

- CSP is currently standardizing the process of screening all probation and parole cases to ensure the maximum consistency in evaluation the risks and needs of offenders across the supervised population. The University of Maryland is working with us in this capacity.
- A new state-of-the-art Forensic Toxicology Drug Testing Laboratory was completed and opened in February 2000. The Drug Lab processed over 193,000 samples in fiscal year 2000 and expects to process over 300,000 in fiscal year 2001.
- CSOSA continues to increase the number and frequency of drug tests of defendants and offenders. The number of offenders tested increased by 41 percent, and the number of samples collected increased by 89 percent over fiscal year 1999 levels.

For fiscal year 2002, CSOSA requests an additional \$486,000 over fiscal year 2001 level to increase offender drug testing.

CSOSA maintains a zero tolerance policy for substance abuse by offenders under our supervision. Drug testing is conducted on all offenders placed on supervision by the Courts and the U.S. Parole Commission to identify those who are using illegal substances and to allow for appropriate sanctions and/or treatment interventions. Studies show that among offenders, high rates of drug use are associated with high rates of criminal activity. Conversely, during periods of relative abstinence, criminal

activity tends to decline. Drug testing is necessary to detect illegal substance use, effect swift sanctioning where appropriate, make treatment referrals to ensure the successful rehabilitation of offenders, and reduce the risk to the community of further criminal conduct.

Under CSF 2, Close Supervision, we achieved five important milestones:

- PSA created the Restrictive Community Supervision Program to supervise defendants placed by the court in halfway houses.
- PSA's District Court Unit implemented a new case management system and close supervision for Federal defendants.
- CSP's current General Supervision caseload is 70 offenders per supervision officer. This represents substantial progress since the Agency's establishment—cutting the active caseload roughly in half.
- CSP opened two new field offices (Taylor Street and South Capitol Street) to increase supervision officer presence in the community, bringing our total number of field sites to five. We expect to finalize a location for a sixth field site very shortly.
- CSP implemented Transitional Interventions for Parole Supervision (TIPS), a structured program for offender reentry and a pilot reentry program in Police Service Area 605.

Three proposed fiscal year 2002 budget initiatives are related to this Critical Success Factor:

First, CSOSA requests \$13,234,000 and 92 positions to establish a Reentry and Sanctions Center.

The cornerstone of our reentry strategy is a dedicated facility for assessment and residential sanctions. Such a facility greatly increases the range of programming and sanctioning options available to judges, supervision officers, and treatment staff. We propose expanding the existing Assessment and Orientation Center (AOC) program at Karrick Hall into a full-fledged Reentry and Sanctions Center.

CSOSA has operated the AOC program since 1997. It is currently funded by CSOSA with grant assistance from the Washington-Baltimore High Intensity Drug Trafficking Area (HIDTA) program. The AOC program provides intensive assessment and treatment planning for a limited number of defendants and offenders with serious criminal histories and long-standing substance abuse problems. More than 84 percent of participants have completed the program successfully.

The additional resources requested to renovate the facility will enable us to expand the scope of the AOC's operations to include a continuum of reentry assessment, treatment, and sanctions programming for defendants and offenders under supervision. We also request authorization for positions to operate the facility and funding for start-up staffing.

Once the Reentry and Sanctions Center is operational, our three-phased reentry strategy for parolees can be implemented fully. The assessment phase will be followed by intensive supervision and relapse/recidivism prevention phases, during which the parolee may be placed in contract residential treatment for up to 90 days and transitional housing for an additional 90 days. As the parolee completes treatment and demonstrates progressively responsible behavior, he or she progresses to less frequent supervision contacts and drug tests. If the parolee violates release conditions, appropriate sanctions (including residential placement) will be imposed immediately.

We estimate that at least 70 percent of returning offenders, or approximately 1,250 persons per year, need this assessment and transitional programming, but we do not presently have the capacity to provide it. That is why we are seeking to expand the AOC and reduce our reliance on grant funding for its operation.

CSOSA also requests \$1,000,000 to acquire space and equipment for a new supervision field unit. The field unit will relocate CSP staff from downtown buildings that are owned or controlled by the D.C. Courts and the District Government, as well as relieving overcrowded conditions at existing field units.

These resources will enable CSOSA to acquire space and equipment for an additional community supervision field office. Moving CSOSA's supervision officers to the neighborhoods where most offenders live is an important part of our strategy. In that way, the officers become an active public safety presence in District of Columbia neighborhoods. They are close to the offenders they supervise. Seeing the supervision officer on neighborhood streets reinforces the message of offender accountability. This structure also facilitates interaction with the police. We have structured our field operations to provide officers with the time and support they need to visit offenders at home and at work, as well as to interact with the police and the community. Our caseloads are assigned according to the Police Service Areas in the District, further strengthening the link between community supervision and community policing.

CSOSA requests \$1,000,000 to reduce caseloads for higher risk felony defendants. Caseloads within PSA's General Supervision Branch are approximately 204 defendants to 1 Pretrial Services Officer (PSO). The funding requested for additional PSA positions will lower the caseload ratio for higher-risk defendants to approximately 84 to 1. With these additional PSOs, the full range of supervision services will be provided for higher-risk defendants, including: needs assessments for treatment and service referral, electronic monitoring, intermediate sanctions for selected violations, and improved coordination with CSP on dual supervision and presentence investigations.

Under CSF 3, Treatment and Support Services, we achieved five milestones:

- We have implemented a continuum of treatment services, including detoxification, inpatient, and outpatient treatment from more than 10 contract providers and in-house staff.
- PSA created the New Directions Intensive Drug Treatment and Supervision Program to closely supervise and treat drug using defendants.
- CSOSA placed 527 defendants and 1,165 offenders in contract treatment programs.
- The CSP Learning Lab at St. Luke Center was dedicated in November 2000. The Learning Lab provides educational and job placement services to defendants and offenders. The program was developed through a grant from the Department of Justice's Weed and Seed program.

For fiscal year 2002, CSOSA requests \$5,297,000 to expand contractual treatment to meet court-ordered and assessed treatment needs of supervised offenders and defendants.

Sanction-based treatment has proven an effective tool in changing the behavior of offenders. The synergistic impact of treatment and graduated sanctions together produces better public safety-related outcomes than would either approach individually. Gains over and above those associated with treatment alone are achieved with the addition of swift and certain sanctions that hold defendants and offenders accountable for continued drug use or other non-compliant behavior. Research performed by the Washington/Baltimore High Intensity Drug Trafficking Area project found that involvement in a drug treatment program with regular drug testing and immediate sanctions for violations resulted in a 70 percent reduction in recidivism 12 months following completion of the program.

CSOSA currently estimates that each year at least 7,200 individuals under supervision—3,700 defendants and 3,500 offenders—require placement in an intensive treatment program, such as inpatient or outpatient contract treatment. In fiscal year 2000, CSOSA placed 1,165 offenders and 527 defendants in contract treatment. We will increase these placements in fiscal year 2001.

Under CSF 4, Partnerships, we have achieved four milestones:

- CSP launched Community Justice Partnerships with the Metropolitan Police Department in 30 Police Service Areas (PSAs).
- CSP executed 27 agreements with community agencies, providing opportunities for offender community service.
- CSP established a cross jurisdictional approach to supervision with the Metropolitan Police Department, the Prince George's County, Maryland, Police Department and the Maryland Division of Probation and Parole.
- PSA restructured the General Supervision Branch to work more closely with the Superior Court.

Under CSF 5, Timely and Accurate Information, we have three important achievements to report:

- PSA staff completed over 16,000 Bail Reports in fiscal year 2000.
- CSP staff completed over 4,800 Pre-Sentence Investigation reports in fiscal year 2000.
- CSP established a secure database for sex offender registration information and has registered 499 offenders to date.

For fiscal year 2002, CSOSA \$4,069,000 for continued work on improved case management systems and to complete the Agency's Information Technology (IT) infrastructure upgrades.

The ability to track and analyze performance and results is critical for CSOSA to efficiently manage its resources. This year's request will ensure the Agency's case management systems are properly designed to complement and support the Justice Information System (JUSTIS) being developed under the auspices of the Criminal Justice Coordinating Council for the District of Columbia.

The additional resources requested for information system development will be used to address significant deficiencies in the current system which include: lack of a single data repository, poor data integrity, lack of timely information retrieval capacity, lack of IT support for the integration of PSA and CSP supervision practices,

and inability to track data supporting PSA's transition to a performance-based organization.

#### CONCLUSION

In the short time that CSOSA has managed the functions of supervised release, probation and parole in the District of Columbia, we have seen real progress in terms of both processes and outcomes. We have reduced caseloads to levels that are improving supervision and contributing to enhanced public safety. More offenders are tested for drug use, and we have put in place a system of sanctions and treatment for those who test positive.

Are our strategies working? We are only beginning to measure results, but outcomes look promising so far. We have seen the number of parolee rearrests fall by nearly 70 percent since May 1998. In a two-year period, we have seen reported Part I violent crimes reduced by as much as 35 percent in the neighborhoods where community supervision and police officers collaborate. We have seen the rate of positive drug tests begin to fall among supervised offenders. We look forward to seeing these positive trends continue and accelerate as our programs mature.

We appreciate the support the Subcommittee has shown us in past years, and we hope that support will continue. Thank you for the opportunity to share our progress with you. I will be happy to answer any questions you may have.

Senator LANDRIEU. Thank you, and I really appreciate your comments regarding the outcomes of some of our initiatives, and the performance and outcomes are important to keep focused on. I thank you for that.

Mr. Clark.

#### STATEMENT OF JOHN L. CLARK

Mr. CLARK. Good afternoon, Madam Chair and Senator DeWine. It is a pleasure to appear before you today to report on the progress that has occurred in carrying out the mandates of the 1997 Revitalization Act as it relates to the corrections components of the D.C. Government.

I need also to report on some of the challenges that are still remaining. We are a little different than the others, who all have initiatives. We are kind of phasing down here.

Our office, the Corrections Trustee's Office, was established by the Revitalization Act for several purposes:

First, to provide a funding vehicle and consequent financial oversight for implementation of the Federal Government's responsibilities to the District of Columbia Department of Corrections under the act during the period when the D.C. felony population is being transferred to the Federal prison system.

Second, to facilitate implementation of aspects of the act related to the closure of the Lorton Corrections Complex and the transfer of 8,000 felons to the Federal Bureau of Prisons.

And finally, to provide assistance to the DOC in upgrading its operations.

More recently, the unique role and perspective of our office has led to a somewhat broader mandate in terms of facilitating inter-agency communications in the District. This role evolved from requests from the Office of the Attorney General to investigate and help remedy several problems in the District, particularly those involving coordination between District, local district and Federal criminal justice agencies, and the reengineering of certain inter-agency processes that were altered by the act.

Madam Chair, I am proud of the way that our office has fulfilled these mandates. In particular, just to mention a couple of things,

for this 4-year fiscal year period between 1998 and 2001 the Corrections Trustee will have provided the Department of Corrections with approximately \$640 million in operating funds, in addition to having financed necessary short-term repairs at the Lorton facilities and certain new major initiatives, such as improvement of technology and information systems in the Department of Corrections.

We have also worked closely with the Department of Corrections to provide technical assistance, with the goal of creating a streamlined, efficient Department of Corrections, well-prepared for its new role as a more typical urban jail system, responsible primarily for pretrial and misdemeanor populations.

The Corrections Trustee has also prepared several investigative reports or reviews at the request of the Department of Justice, particularly on the problems at the private prison in Youngstown, Ohio, and I did have a chance to brief Senator DeWine on that report some months ago.

Another investigative review for the Justice Department focused on problems associated with the District's interagency processing of offenders. These reports made a number of recommendations which I am proud to say have led to significant improvements in both situations.

And more recently, the trustee has been asked to play a role in funding and shepherding several pilot projects, one of which Cynthia Jones mentioned, the Options mental health treatment program, projects for the larger D.C. justice system to improve the case flow processing from the time of arrest through movement into custody.

Let me briefly address, Madam Chair, the progress on implementation of the revitalization act, and I must say it would be hard to overestimate the magnitude and complexity of some of the issues that have been thrust upon not only the Department of Corrections, but the other agencies who are represented here today, and a number of complex logistical issues have come up in the implementation.

Frankly, these challenges are made even more complex in the District, and more cumbersome to an extent, because of the unique relationships and responsibilities between the District government and the Federal Government in terms of the criminal justice operations.

On the other hand, on the positive side, while there is a long way to go to finish the job, I am firmly convinced, after 4 years in this job, that in the end the operations of the local criminal justice system in the District and the public safety of the District of Columbia will have been significantly enhanced through this process.

I want to assure the committee that the transition will be completed on time, by the end of this year, and hopefully by mid-November Lorton will be vacated of inmates, and all the prisoners will have been transferred to the Federal Bureau of Prisons. As you mentioned already, about 4,600 have been transferred.

Skipping forward just to mention a couple of things, looking at the yellow light, I would also point out that although by the end of the year all the prisoners will have been transferred, the actual transfer of the final portions of the Lorton property to GSA will not

occur immediately on December 31. After the inmates have left, there will be a period of decommissioning the property, disposing of extensive records and equipment.

Madam Chair, you have mentioned one area that I would emphasize, and that is the particular difficulty impacting upon the staff at Lorton and with the Department of Corrections. The size of the DOC staffing is being reduced by three-quarters, from 3,300 employees to under 800, and again, without going into detail at this point, we can all imagine the anxiety and disruption that this has caused, although generally the staff have adjusted well after the initial shock, and I would say that we have developed an inter-agency task force to provide services to the employees. We have set up a career transition center at Lorton, and we have implemented the priority consideration program which was mandated in the law.

#### PREPARED STATEMENT

In order to meet all these challenges, finally I will mention, that face our office and the Department of Corrections in fiscal year 2002, the Corrections Trustee requests a total of \$32.7 million. This represents a reduction of \$101 million below our current year level in view of the transfer of most of the prisoners to the Federal prisons this year.

With that, I will conclude and be happy to take any questions.  
[The statement follows:]

#### PREPARED STATEMENT OF JOHN L. CLARK

Good afternoon, Madam Chairwoman and Ranking Member DeWine. I am pleased to appear before you today to report the progress that has occurred in carrying out the mandates of the National Capital Revitalization and Self-Government Improvement Act of 1997 (the Act) relating to the Corrections Trustee for the District of Columbia. I wish to thank you for the opportunity to share with you the progress we have made and challenges still facing our office.

#### BACKGROUND

The Corrections Trustee was established by the National Capital Revitalization and Self-Government Improvement Act of 1997:

- to provide a funding vehicle and consequent financial oversight for the Federal government's responsibilities under the Act to the District of Columbia Department of Corrections (DOC) during the period when the D.C. adult felony population is being transferred to the Federal Prison System;
- to facilitate implementation of aspects of the Act related to the closure of the Lorton Correctional Complex and the transition of felons out of DOC; and
- to provide assistance to DOC in upgrading its operations. However, the Trustee has no operational authority within DOC, since that authority remains with DOC's Director.

*Broadened Mandate.*—Although the mission of the Office of the Corrections Trustee was originally conceived to be a financial and operational partner of DOC during the transition period, the unique role and perspective of the Office of the Corrections Trustee led to a wider role in terms of facilitating interagency communications. This role evolved from requests from the office of the Attorney General to investigate and help remedy several problems, particularly those involving coordination between District and Federal criminal justice agencies, and to foster an interagency re-engineering of the detention-related processes altered by the Act.

*Financial Support of the District.*—For the fiscal years 1998 through 2001, the Corrections Trustee will have provided DOC with approximately \$640 million in operating funds, in addition to having financed necessary repairs at the Lorton facilities and certain major new initiatives such as a new \$2.8 million jail management information system. The Corrections Trustee allocates funds provided through the Federal appropriations process to finance the operations associated with the Federal government's responsibilities for District of Columbia adult "sentenced felons," as

set forth in the May 1997 Memorandum of Understanding signed during the development of the Revitalization Act. The Federal funding responsibility is limited to the Department of Corrections operations related to those felons serving sentences and whose legal charges have been fully adjudicated ("State ready"). This definition excludes those felons awaiting trial on other charges, parole revocation procedures, or other court appearances, which are considered to be a local responsibility.

The Corrections Trustee works closely with the D.C. Department of Corrections on its financial operations as well as on critical operational issues facing the Department. The Corrections Trustee's goal is to assist in the strategic planning process to create a streamlined, efficient Department of Corrections prepared for its new role as a local correctional authority in the District of Columbia. In its new role as a more typical urban jail system, the Department will be responsible for its pretrial and misdemeanor inmate population, as well as those prisoners held for court-related procedures. The Corrections Trustee also works with the Department to ensure the safety of all inmates, staff, and the community, including the safety of inmates, staff and the community at Lorton, Virginia, where the facilities are scheduled to be closed at the end of the transition period.

#### IMPLEMENTATION OF THE ACT AND THE LORTON CLOSURE PROCESS

It would be hard for me to overstate the magnitude and complexity of the implementation tasks thrust upon the various agencies by the Revitalization Act, particularly on the D.C. Department of Corrections, the Courts, and the Court Services and Offender Supervision Agency. The scope of the operational and logistical changes required to be made during a relatively brief period is unprecedented in my knowledge. Frankly, the challenges are made more complex and cumbersome in the District by the unique nature of the responsibilities and relationships among local and Federal criminal justice agencies here. Those relationships have been significantly altered in the new regime, often with consequences which undoubtedly were unforeseen by those involved in the formulation of the Act. However, although there is a long way to go to finish the job, I am firmly convinced that in the end the operations of the local criminal justice system and the public safety of the District of Columbia will have been significantly strengthened and improved in the process, but not without great effort by many.

The mandates of the Act to close the Lorton Complex and transfer all sentenced D.C. felons to BOP operated or contract prisons by the end of this year will be met, due in large part to the hard work and cooperative planning of all the involved agencies. The transfer of District of Columbia adult felony inmates has been progressing in accordance with schedules developed jointly by the Federal Bureau of Prisons with the Office of the Corrections Trustee and the Department of Corrections. These schedules have been shared with the Subcommittee as part of the Trustee's mandated Lorton closure reports submitted in 1999 and 2000.

Of the current D.C. inmate population of 10,200 inmates, almost 8,000 are adult felony inmates, of which about 4,500 have already been transferred to the permanent custody of the Federal Bureau of Prisons. Since the establishment of the Office of the Corrections Trustee, four of the five facilities have closed at Lorton, Virginia: the Ocoquan Facility in early May 1999, the Minimum Security Facility at the end of July 1999, the Youth Facility at the end of January 2000, and the Maximum Security Facility at the end of January 2001, two months ahead of schedule. This was accomplished in part by the transfer of inmates to BOP.

However, due to the lack of available bedspace in Federal facilities during most of the transition period, BOP was unable to accept most of the DOC inmate population, especially medium and high security inmates which constitute the largest portion of the DOC population or about 70 percent. In order to continue the Lorton closure process in an orderly fashion, the D.C. Department of Corrections, with funding and cooperation from the Trustee's Office, entered into a contract with the Commonwealth of Virginia and modified a previous contract with the Corrections Corporation of America (CCA) to house medium and high security inmates. About 1,350 medium- and high-security inmates were placed in Virginia prison facilities, and about 1,500 inmates were placed in facilities operated by CCA. Only the Central Facility currently remains open at the Lorton Correctional Complex, housing approximately 1,300 inmates.

Staying on schedule has been made less arduous in part due to the relatively stable size of the District of Columbia inmate population, which was about 9,700 in 1997. However, during fiscal year 1999, a very large, unanticipated increase of more than 10 percent in the sentenced felon population occurred at the same time the DOC was closing the Ocoquan and the Minimum Security Facilities. The rise in inmate population was not due to an increase of new commitments, but rather was,

in large part, a result of more intensive parole revocation procedures, more stringent release procedures that occurred as a result of the Revitalization Act, and a court decision on the handling of parolees. This increase in the population necessitated the reopening of a Modular Unit within the Central Facility in April 1999 to accommodate the growth in the number of inmates while closing the Occoquan Facility. In fiscal year 2001, the current population has decreased slightly and is relatively stable at the present level of 10,200 inmates, of which close to an estimated 8,000 inmates are a Federal responsibility.

The transfer of inmates to the Federal Bureau of Prisons raised the concern that the inmates would be relocated far away from the District of Columbia and their families. This concern was reflected in the Memorandum of Understanding signed during the development of the Revitalization Act which provided that inmates would "ordinarily initially be assigned to institutions located within a 500 mile radius of their release residence." This is not always feasible due to the special requirements in handling certain inmates, such as the availability of adequate bedspace at the appropriate security level. However, of the current 4,500 D.C. inmates in the Federal Prison System, nearly 80 percent are housed in facilities within 500 miles of the District.

*Transfer of the Lorton Property.*—Although all the adult felony inmates will have been transferred to the Federal Bureau of Prisons—including those in facilities contracted for by the Department of Corrections—the actual transfer of property at the Lorton Correctional Complex to the General Services Administration will not occur immediately on December 31, 2001. After the inmates have left, the equipment and property inventory and hundreds of thousands of records must be relocated or otherwise disposed of, as well as the transfer of certain Lorton-based functions such as the transfer and incorporation of warehouse functions, armory, laundry, and staff training to another suitable location. In addition, certain clean-up activities, including the decommissioning of the sewage treatment plant, must take place prior to the land's conveyance. The license plates, furniture, print shop, and the Metrobus seat repair prison industry programs at Lorton will be discontinued with most of these functions transferred to Federal prison facilities.

#### PERSPECTIVES ON CURRENT OPERATIONS

*Difficult Challenges of Downsizing DOC Staff.*—The Department of Corrections is being confronted with some unique issues and problems as its mission is altered and the size of the Department is reduced by about three quarters both in funding and in staffing from 3,300 employees in 1997 to about 800 by the end of the transition later next year. The closure of four prisons and the gradual reduction of the Department's size over the past four years have been accompanied by a steady or even an accelerated rate of natural attrition. In recent months, that rate of attrition has slowed significantly. Overall, the impact over the past several years of the attrition phenomenon has been to minimize the need for conducting large Reductions-in-Force (RIF) efforts, though several of modest proportions were necessarily implemented by DOC. In certain cases as particular facilities were closed, vacancies in uniformed positions at DOC-operated correctional facilities were backfilled with staff transferred from closed facilities, thus reducing the need to separate some employees and reducing the need for a portion of the overtime.

In contrast, the next six months present a more difficult situation since the number of staff who will be required to depart from DOC employment will be significant and, in order to live within constrained budget levels of the post-Revitalization Act period, RIFs will need to be planned well in advance of December 31, 2001, and be implemented during the final stages of downsizing and closure of the Lorton Correctional Complex. This issue has been complicated by the slow pace in carrying out certain previous RIF actions, such as with the recent delay in the processing of RIF actions after the closure of the Maximum Security Facility which closed at the end of January 2001. Separation notices associated with that closure were only recently issued, with most to take effect later this month, six months after the closure of the Maximum facility.

The final downsizing needs to occur in a gradual, phased-in fashion and requires accelerated planning, including steps to process an additional RIF of significant size before September 30 of this year. These formal RIF actions are complex endeavors requiring coordination among the Department of Corrections, other District entities, and District officials. Because of this complexity, there is the strong potential for delay in this procedure due to the length of the approval process and the number of involved parties both within and beyond the Department of Corrections. I have recently reiterated to the Department of Corrections my concerns that the pace of separations needs to be accelerated to keep pace with the dramatic decline in the



inmate population under supervision in DOC-operated facilities and the associated closing of correctional facilities and various housing units within the one remaining Lorton prison. Likewise, there is a significant concern that the available financial resources will soon be outstripped by the requirements to compensate a pool of employees who remain on duty, in spite of the drastic reduction in the requirements for on-board staffing corresponding to the diminished inmate population. It is incumbent upon the Department of Corrections to take the lead to ensure that this process is handled in an orderly and timely fashion.

*Employment Assistance for Departing Employees.*—The priority consideration program and the Career Transition Center at Lorton were established by the Corrections Trustee and DOC to assist staff scheduled to be separated from the Department of Corrections to mitigate the difficulties of these separations. This program continues to provide an array of employment-related counseling and other services and is coordinated with the Federal Bureau of Prisons, the D.C. Office of Personnel, D.C. Department of Employment Services, and the U.S. Office of Personnel Management.

One major benefit available to separated employees is preferential consideration for employment with BOP and other Federal and District agencies. Although only 20 applicants have been hired by the Bureau of Prisons to date both within and outside of the priority consideration program, it is expected that applications will increase as we approach the final closure of the Lorton Correctional Complex. As always, DOC staff are continually encouraged to avail themselves of the Federal employment opportunities through the priority consideration program.

*Improvements in Operations at the Department of Corrections.*—One of the successes initiated by the Corrections Trustee in concert with the DOC administration has been in the implementation of a system of internal audits and controls within DOC. This system fosters the development of policies by which program accountability can be assessed. DOC Director Washington has supported this initiative by establishing a permanent unit to oversee the development and implementation of the new system. The Office of the Corrections Trustee instructed Department of Corrections staff on how to develop audit standards in 12 areas that will measure policy compliance in core correctional practices as well as focus on adherence to national policy standards, such as standards of the American Correctional Association, the Occupational Safety and Health Administration, and the National Commission on Healthcare.

Likewise, the Trustee's Office has worked with the management of the DOC to attempt to remedy a long-standing problem with the lack of adequate information systems, a problem which has plagued the efficiency of staff operations and the ability of other agencies on a daily basis to access necessary accurate information on particular offenders. Installation of a state-of-the-art \$2.8 million jail information system funded by this Office is currently being completed. This system should be of great benefit to DOC and its sister agencies. Several other technological enhancements have been provided to DOC through the assistance of the Trustee's Office.

*Improvements in services and supervision for offenders returning to the community after a period of incarceration.*—Prior to the Revitalization Act and the establishment of the Office of the Corrections Trustee, few inmates returning to the community had the benefit of a transitional period in a halfway house prior to release. We strongly advocated that the prisoner re-entry and halfway house program be reinvigorated, and currently nearly all parolees have been placed in halfway houses before returning to the community. This improvement has resulted in reducing the rate of re-arrest by more than 50 percent among parolees.

#### INITIATIVES TO IMPROVE THE CRIMINAL JUSTICE PROCESS WITHIN THE DISTRICT OF COLUMBIA

*Investigative Reviews of the Youngstown Prison and of the District's Interagency Processing of Offenders.*—The Corrections Trustee has prepared several reports at the request of the Department of Justice. The first was a review completed in November 1998 examining the very serious, well-publicized problems at a private facility at Youngstown, Ohio, operated under a contract with DOC which predated the transition mandated by the Revitalization Act. This review led to a detailed report with 19 major findings of issues to be addressed along with 24 recommendations to ameliorate the problems, directed at both DOC and the operations at the private facility. The major issues have subsequently been addressed by both entities, leading to significant improvements, including the removal of all high-security or disruptive prisoners. The Youngstown facility has operated in a much improved fashion over the past two and a half years, with no major incidents or disruptions.

The second report requested by the former Deputy Attorney General resulted in a 280-page review of a number of other interagency and inter-jurisdictional issues and problems unique to D.C.'s current transition, including problems associated with the processing of newly sentenced inmates and those who are sentenced under both local and Federal statutes. The request was in response to an order from the U.S. District Court requesting that the Department of Justice investigate and remedy the policies and procedures related to these areas. The Court's order reflected serious public concerns, including those raised in the Congress, regarding the mishandling of the highly publicized case of murderer Leo Gonzales Wright, and specifically with the commitment processes for Federal and D.C. code cases. This report included 24 major recommendations. It was released in October 1999 and has been favorably received by both the U.S. District Court and the Superior Court, as well as DOC and Department of Justice and its component agencies.

*Critical Importance of Interagency Coordination of Case Processing to the Courts, Corrections and Department of Justice.*—As a result of the Leo Gonzales Wright report and the recommendations on interagency case processing issues, the former Deputy Attorney General requested that the Corrections Trustee coordinate implementation of the report's recommendations with all affected agencies of the Federal and District governments. Beginning in January 2000, the Office of the Corrections Trustee organized an ongoing interagency committee of Federal and District criminal justice agencies to improve the coordination and logistical planning in various detention related processes. This Interagency Detention Work Group meets on a monthly basis and includes ranking representatives from 15 Federal and local agencies, including Judges from both the District and Superior Courts. Six separate committees are working very effectively in resolving a number of interagency issues and problems and in improving the coordination of interagency processes.

The progress made and the collaborative approach of the agencies involved in this work group were acknowledged in a report released to the Congress in March 2001 by the General Accounting Office, a report which in many ways was otherwise critical of the lack of adequate coordination efforts in the District's criminal justice system.

*Coordination of Re-entry and Halfway House Issues.*—In response to requests from Congresswoman Eleanor Holmes Norton and the former Deputy Attorney General in September 2000, the Trustee's Office coordinated a joint effort of several agencies participating in the Interagency Detention Work Group to develop and implement a short-term action plan to address several immediate problems in the processing of offenders being released or those assigned to halfway houses. The collaboration resulted in much needed progress in the effective elimination of the backlogs of two major categories of inmate cases, those beyond their parole dates due to lack of available halfway house beds and those ordered to halfway houses by the Court as a condition of pretrial work release. Although there continues to be a shortage of halfway house beds, the enhanced interagency communication resulted in a responsive allocation of available beds.

#### FISCAL YEAR 2002 BUDGET REQUEST OF THE CORRECTIONS TRUSTEE

In fiscal year 2002, the Office of the Corrections Trustee requests funding to continue reimbursement to DOC for operations associated with the adult felony population for the period until the final group of inmates is transferred to the Federal Bureau of Prisons, which will be no later than December 31, 2001. The last remaining inmates at the Lorton Correctional Complex will be housed at the Central Facility, where it is estimated that no more than 500 to 600 inmates, and hopefully fewer, will be located at the beginning of the fiscal year. This facility will be closed on schedule no later than December 31, 2001.

The Trustee's office also requests funding to reimburse DOC during this period for major support activities related to housing felons, such as health services, facilities management, and transportation. For a reasonable period beyond December 31, during the period that all physical property including records and equipment is being removed in preparation for final transfer to the General Services Administration, and, ultimately to Fairfax County, I anticipate that there will be some diminishing level of funding provided.

*Contract Confinement.*—Most secure confinement contract bed spaces for the adult felony population will be vacated by the beginning of fiscal year 2002, but the Office of the Corrections Trustee requests contingency funding to DOC for some higher security bed spaces to be made available, as necessary, through contractual arrangement until December 31, 2001. Funding is also requested for the same period for a limited number of re-entry halfway house beds for prisoners being paroled, as the

last felons who are under DOC custody are released to halfway house bedspace prior to BOP taking over full responsibility.

*Transfer of Lorton-based Activities.*—Lorton-based functions that are required to continue will be transferred from the Lorton Complex. We support the DOC's plan in which it is anticipated that these and other administrative functions will be transferred to a single location in the District. The warehouse, facilities management, and staff training must be relocated from Lorton. Since the relocation is directly associated with the closing of the Lorton facility, the Trustee's office requests funding to contribute a portion of the total costs in the preparation of the new space for the relocated functions.

*Severance Pay.*—Prior to the Revitalization Act, DOC employed more than 3,300 staff. The current DOC staffing level is about 1,600 employees, and it is projected that with current attrition, another 140 employees will separate before the Central Facility closes. Of the remaining employees, a significant number must still be separated to downsize DOC in accordance with its new, reduced mission. Under the pending budget request, the Office of the Corrections Trustee would reimburse DOC for severance pay and terminal leave for employees released as a result of the closing of the Central Facility, including those employees in support operations such as health services, transportation, facilities management, and administration.

*Assistance with Broader-based Local Justice Initiative.*—In fiscal year 2001, in addition to assistance with strictly correctional operations, one million dollars in Congressional funding was provided through the Trustee's Office to the District's criminal justice system for the implementation of caseload and records management improvements. The intent of these funds was to quickly begin to implement some recommendations of a report then underway for the District by the Council for Court Excellence, a report which was released only in the past two weeks. The importance of this report and its recommendations for the District's criminal case processing was emphasized in the new GAO report to the Congress cited above. Four major projects are under development among several criminal justice agencies. The projects include:

- Reinvigorating the MPD citation release process and citation caseload management system;
- Implementing, with a view of future expansion of, the MPD Papering Reform Pilot Project;
- Implementing a Differentiated Case Management System for Misdemeanors and Traffic offenses at D.C. Superior Court; and
- Implementing a pilot "options" project in coordination with the D.C. Commission on Mental Health Agency and the Pretrial Services Agency to test the value of adding additional mental health services as conditions of pretrial release for appropriate non-violent, non firearm, post-arrest mental health offenders. This type of project is a progressive approach that is being promoted in other State and local governments throughout the Nation.

The Office of the Corrections Trustee requests continued funding to assist in further implementation of criminal justice improvements in fiscal year 2002.

#### CONCLUSION

Madam Chairwoman, this concludes my remarks. I would be pleased to respond to any questions.

Senator LANDRIEU. Thank you all very much. Senator DeWine does have a few questions specifically about the court, so since our time is short, Senator, and that is very important to us, why don't we go ahead and focus on those questions, and why don't you go ahead and you can begin, and I will do a few wrap-up questions on some of the other points.

#### FAMILY COURT REFORM

Senator DEWINE. Thank you all for coming. We appreciate it. Sorry for the delay. Sometimes the Senate does not cooperate too well when you are trying to do hearings.

Judge King, I want to follow up on your comment about the one judge one family, and that you are basically doing that now, is that correct?

Judge KING. Particularly in the juvenile area, where one family or one young person would find himself before the neglect and abuse court, and involved in a juvenile case, and in that instance by far the predominant practice is for the judge who is responsible for the neglect or abuse case, to be in contact with the judge to whom the juvenile case came in the first instance, and what usually happens is, the juvenile case is transferred to the judge with the neglect and abuse case for the child.

In other words, the child remains before one judge, and essentially the judge who has the neglect matter is responsible for everything.

Senator DEWINE. Judge, I am not sure I am following you. So that would mean that the first contact with this family, this whatever family, DeWine family, whatever, the first contact with this family, that judge would then—

Judge KING. Take other matters that came in relating to that family. Informally we do that less—it is less uniform at this point, and that is one of the things—I mean, we absolutely agree with your emphasis on the importance of one family one judge, and one of the things we are working on our plan to do is to tighten up that aspect of it, in part in respect to our dialogue on that subject.

Senator DEWINE. So you would not have a situation where the case just stayed on the docket of one judge but another judge was dealing with it.

Judge KING. No. Once a case was—there are clearly two cases that ought to be in front of one judge, that child is transferred to one judge, and that judge is responsible for all the cases. In other words, it does not make any sense to go back and forth between judges.

Senator DEWINE. But I guess my question is, it would be decided basically on who had the kid first? I mean, whatever the case that came up, or how would that work?

Judge KING. No. The usual—in that instance, and as I say, this is still a work in progress, but the child in the neglect system is the one where the most critical issue is at stake, the greatest need for services, so that is likely to be the predominant—

Senator DEWINE. So the neglect aspect of it would dominate.

Judge KING. That is right, and one of the things that I think we will be looking at down the road, as the rules change—I mean, that is easy to address in a rule. We want to make sure that we have thought through how the plan is actually going to be implemented, what ultimately is the amount of resources that we are going to have, and how this process comes out, but one of the things that I see as helping this process would be a rules change, or a rules procedure.

Senator LANDRIEU. Let me just follow up on that for 1 minute. Senator DeWine and I, as you know, have worked so closely on this issue together, and we have conducted these meetings at question time a little more informally than some of the other committees.

Judge KING. In a very helpful way.

Senator LANDRIEU. We hope that this is more helpful, because we really want to try to fashion a remedy that really works, and what we are struggling with is not so much, if I could, one judge one child, but one family one judge, so that there is one judge, or one

magistrate that understands the depth and breadth of the problems facing a particular family.

It could be drug addiction and criminal behavior by a father or a mother, it could be abuse of one child or more, it could be truancy by a child, but once that family comes into contact with—whichever member of a family to a courtroom, to a judge, we are hoping that the system that would result would be that that judge would basically be in charge of that family so that these cases are not passed from one judge to another, and a new judge has to familiarize themselves with the condition of the mother, the condition of the father, the brothers and sisters, et cetera.

I realize that every jurisdiction in the country is struggling with this. I mean, this is not a problem just with the District, but it is a very important problem and challenge in the Nation, and that is why the way that you all have described to me your docket—you have a divorce docket, I think, a termination docket, an abuse docket, a such-and-such docket.

But it is important if you could say for the record either what you are doing now, or what we should do in the future, to make sure that somebody has their eye on this family unit in an attempt to hold it together, which is very important, if possible, and then somebody who has got enough information to make some tough decisions sometimes about placing those children with other families that can raise and nurture them, and then providing compassionate but disciplined counseling or whatever to parents, and there are different levels of that, from counseling to imprisonment, based on what those actions of those parents or adults would be.

So can you just sort of elaborate a little more, and if you do not mind, if we could just sort of focus on this for a minute.

Judge KING. This has been a constant source of, I think, concern for all of us, and I think perhaps maybe I have not expressed myself as clearly as I might have, because we really do not disagree a bit on the goal and where we ought to go.

I find sometimes it is frustrating, because I think we all would like a simple, two sentences as to how this is all going to work, and we have got it, and boom, now we have solved the problem. And in my now almost 30 years at the bar I have not encountered very many legal problems that are susceptible of that kind of approach. It gets complicated when you get to the details. That is where the devil is.

But the short answer to your point, I think, is that most cases do not have multiple issues in them, and so it makes sense to have judges responsible for divorce cases, for example, people who have divorces, because most divorces do not have neglect and abuse and all the other things, so in terms of organizing a family court and running it day to day, for most of the time it makes sense to have judges have areas of responsibility where they have the benefit of efficiencies of doing cases.

For example, one of the things you have to work out is, all the neglect cases and adoption cases are closed proceedings, whereas other family proceedings are open to the public, and so that is just some logistics you have to work out in order to have all of those matters brought before a judge in a timely and sensible way so

that people are not kept waiting. That is why it makes sense for judges to have one general area of responsibility.

The number of cases that you are addressing that are of vital concern but are not that huge in number are ones where there are different cases relating to one family, where there is a divorce case and a neglect case, or an adoption that is going to resolve a neglect case, and in those cases I think we can and we are looking at ways to move us to a point where all of those cases will be handled by one judge, end of discussion.

Now, one caveat is that there are a few types—for example, if dad is in a criminal case, is in trouble for armed robbery, it does not make a lot of sense to bring that into the family court, where you have got to then have a whole jury process set up.

Senator LANDRIEU. I would say that could be the one exception.

Judge KING. Things like that, with other exceptions I think we can get to a place, and the plan that we have now gets us there by the collaboration and, if you will, a rules change which would set up the dominant judge given a particular family member or child, but that is not the end of our work on it, either. Just as you are concerned about it, we are responding and trying to look at it again.

We still have our task forces which were convened in January. They are being reconvened to take another look at this to see, for example, if there is a way to find out which are the cases where duplicate types of litigation are most likely to occur, and deal with those separately, maybe do some different ways of assigning those responsibilities so that the judge will be responsible for all the cases that affect that family.

Senator LANDRIEU. Well, just to bring this point to a close, I am happy to hear that we are all pretty much in agreement of where we want to be, and where we think we should be, and where we really need to be for the families that are involved.

I mean, it must be extremely frustrating to everyone involved to have to start with a new person every week or every month, trying to explain to the case workers, to the people in the courtroom, to the neighbors, to the friends that are trying to help. It has just got to be extraordinarily frustrating, so whether we do it by rule or by law, or in what way, and there is probably no perfect way, but there are good ways that it can be accomplished, we look forward—Senator DeWine will probably have a few more questions, and Senator, go right ahead.

#### COURTHOUSE FACILITY RENOVATION

Senator DEWINE. Judge King, after the last hearing I asked you to identify, or at the last hearing I asked you to identify the division or divisions of the court that you plan to move to the Old Courthouse, and in your response you indicated that you plan to move the Court of Appeals.

Judge KING. Which, of course, is not mine to move, but the thinking is that that is the effort.

Senator DEWINE. But in dealing with the big problem that one impacts the other.

Judge KING. That is the initiative.

Senator DEWINE. Why would you not move the family court there? I mean, it seems that you have a new renovated facility, you have the ability to design from scratch, basically, all the things that we have talked about with Senator Landrieu, some of the things she mentioned in her opening statement, and then wouldn't you have, therefore, basically the segregation between the criminal, those who have been charged with criminal offenses, and the family court?

Judge KING. There are a couple of things there. First of all, that building has no cell block facilities or underground access to bring prisoners in and out, so that you would have to duplicate that apparatus not only for the juveniles who would be in the Family Court, but for the incarcerated parents, which is enough so that we at least need to think about that problem.

One of the main reasons is timing.

Senator DEWINE. Whatever you do, it is temporary. We are not—I know we have got to follow our standards, but it is a temporary holding cell, or temporary holding facility we are talking about. We are talking about hours. We are not talking about even probably overnight.

Judge KING. No, no, the problem is moving people. For the incarcerated parents, it is moving people back and forth across the street, and we have had that experience, in having to move people in irons.

Another very important consideration for us is that the Court of Appeals may be 3 or 4 years away from going over to that building, and I am hoping that we do not have to wait 3 or 4 years before we can effectively open our new family court operations, and let me say that we are looking at three possibilities for the Family Court.

One is to keep it in the Moultrie Building and get contiguous space there, displacing other operations needed in order to do that. Another is that there is another building, Building B, it is called, which was years ago the old civil court. It is also in need of renovations. That may be one that would be accessible to us early, and it already does have cell block facilities, so there would be a leg up.

The third is that there was some consideration at the time the Moultrie Building was built to having additional floors, or having capacity for additional floors on it. We want to do, and it seems to me the only competent, careful way to do this is to complete a building evaluation report on our existing facilities and then to do a feasibility report on these various things, and we have actually already initiated discussions with GSA to begin to look at that so that we will figure out what the best solution is.

Certainly, it is conceivable that they would come back and say, the Old Courthouse is the way to go. We are going to listen to that, but I think for now we are looking at that as maybe untimely, and it seems, at least at first blush, to have some problems that the other options do not have.

Senator DEWINE. Thank you very much.

Senator LANDRIEU. I just want to follow up on this, and I will get the schematics and sketches and brief myself more than I was able to today, but I do want to make this point, that if there is any way in this sort of redesign that we could have a sort of, either a stand-alone or a separate facility for parents who are not crimi-

nals—these are families that need help. These are children who are not criminals. They need help.

They do not need to literally be walking around where other people are in chains, and people have guns. These children are traumatized enough already. They need to be in a setting that is more conducive to sort of healing and nurturing, so whether they are in one building, or on a separate floor, or whether they are in a building—I think Senator DeWine and I would be very interested in trying to work with you all to figure out what is the best place where these situations of abuse and neglect and some sort of—not that that is not criminal, but the children are not the criminals—in a way that makes sense, and so, since we have got some options with these facilities, we will continue to work with you, Judge, and see.

Judge KING. We certainly want to do a—as I say, I want to do it carefully and competently. If this were my money I was chasing, I would want to know what the options were, and I would want to have a report in hand.

The other thing, let me issue an invitation to both you and your staffs at any time to come over and I will show you what our thinking is.

Senator LANDRIEU. And I will. I think I would like to, and I think the Senator would like to.

Judge KING. We would be delighted.

Senator LANDRIEU. We would love to do that and come see what some of the options are, and perhaps our staff could, based on what the proposals are, submit some options for this.

Judge KING. Sure.

Senator LANDRIEU. Because it is a great opportunity to create, as we talked about before, a real model for the Nation, because many of the courts around the Nation are trying to use this model and have their facilities match the reforms.

Judge KING. May I just add one thing I forgot to mention. We have already moved in that direction. We had a hearing room which was really so small that it was dangerous to use for the use that it was being used, and I have already had that broken out and turned into a family-friendly waiting room, so that is just using resources we have now, without any additional things. We are very conscious of the need to have somewhat less chaos and more kind of a sense of safety around the places where children and people with the children are going to be waiting for court proceedings.

#### LORTON CORRECTIONAL FACILITY CLOSING

Senator LANDRIEU. That would be great. Let me follow up with you, Mr. Clark, for just a moment on this—and this is prior, I think, to my service on this committee, and I am not as familiar with the law that established your initiative, but your charge is basically just to empty a facility, and to transfer these prisoners, all 8,000 to 9,000 to Federal jurisdiction. Basically the physical movement of them and the closure of the facility is your general charge.

Mr. CLARK. That is the core of our charge, that is correct, and to engineer a number of processes that are involved in setting up some permanent case processing.

In other words, we have probably 1,500 cases a year sentenced in Superior Court, who in the past have just gone—they have been



in the D.C. Jail, and they have gone to Lorton. Now, they will all have to be committed to the Federal Bureau of Prisons, which involves the meshing of four or five or six agencies, between the court and the court services who develops the presentence report, the Marshals, the Bureau of Prisons, so there is some of these processes that we have been in the middle of trying to reengineer and, say, a thing occurs with the parolees—

Senator LANDRIEU. Well, the reason I ask is because, you know, all States, and I understand that we are trying to help the District, and it does help them significantly to relieve this financial responsibility. It is a huge responsibility for States, and very, very expensive, the criminal justice piece, and on moving it we have helped the District in terms of their financial management.

But in addition to basically moving bodies around that States do, people in prison, they also have obligations for skill development and education, and trying to transfer people back into the community, and the human aspects of prisoners and their families, contact with their families—is it your agency that has responsibility for that, or Mr. Ormond, or Mrs. Jones, or who right now—I know you are focused on sort of just the movement of them to the Federal system, but once they get in the Federal system, then they come under the jurisdiction of all of the programs available to Federal prisoners, and initiatives with Federal prisoners, and they just come under the general Federal prison rules, or—

Mr. CLARK. That is correct.

Senator LANDRIEU. And that is clear in the law.

Mr. CLARK. That is clear, that they are to be treated in every respect as a Federal prisoner, to have access to all of these programs.

Senator LANDRIEU. Whatever services are available to Federal prisoners, skill development, educational options.

Mr. CLARK. That is correct, and in my walking around, and I served for 23 years in the Federal Bureau of Prisons, so I am very familiar with that agency, but in my walking around Lorton and Youngstown and all the other facilities, to be truthful I find that most of the inmates are eager to move to the Federal system.

They are not necessarily eager to be a little further from home, although that is not an issue with many of them, but they are eager to have access to those kinds of programs, drug treatment programs, as you say, skill development programs, parenting programs, many of which have not been as available.

Senator LANDRIEU. Which are more robust in the Federal system than they are in this current system.

Mr. CLARK. That is correct, yes. Yes.

Senator LANDRIEU. Are there any things—I have got a few other questions, but I could submit some of them in writing, and since it is 4:30, is there anything, though, that you all wanted to add to the record that you did not get to say in your statement, or anything you wanted to bring to my attention or emphasize just briefly in a one-minute closing?

Judge KING. I would welcome any written questions that would clarify, and I particularly would like to be sure, whether it is by staff meetings or a meeting with you, that we come to a shared understanding as to the budget that is already devoted to family, as opposed to the extra that we will need to implement some reform.

We may not ultimately agree, but I sure would like to know that we all see the same reality, and then are dealing with that picture, so I will look for an opportunity to do that with you or your staff at some point.

Senator LANDRIEU. Great. Mrs. Jones.

Ms. JONES. I do not have any other things I need to add, but I would invite any questions you might have about the Public Defender Service.

Mr. ORMOND. I would just like to thank you again for the opportunity, and we feel very good about the progress we have made so far, and the support we have gotten from the committee, and we would welcome any further questions for clarification.

Thank you.

Mr. CLARK. Madam Chair, the only thing that I would mention, again, after having spent the last 4 years in this process, is how impressed I am with the progress that has been made in a number of areas in the District, where the public safety of the District is being enhanced by a number of these initiatives, and in that same regard I have been impressed by the growing sort of communication and coordination among the many agencies, maybe as compared to 4 or 5 years ago.

I mean, we just meet each other coming and going trying to work out some of these processes, and trying to make improvements in the local system, so we all see each other and many other folks from other agencies all the time, so I am just impressed that in the District right now there is this energy to not only take care of our own agency, but to try to work together with the other agencies.

#### SUBCOMMITTEE RECESS

Senator LANDRIEU. Well, that is very good to hear.

Thank you all, and again I am sorry for the delay, but this meeting will be recessed.

[Whereupon, at 4:30 p.m., Tuesday, July 10, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

## **DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 2002**

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**WEDNESDAY, JULY 11, 2001**

U.S. SENATE,  
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,  
*Washington, DC.*

The subcommittee met at 2:10 p.m., in room SD-192, Dirksen Senate Office Building, Hon. Mary L. Landrieu (chairman) presiding.

Present: Senators Landrieu and Hutchison.

### **DISTRICT OF COLUMBIA**

#### **STATEMENTS OF:**

**HON. ANTHONY WILLIAMS, MAYOR**

**LINDA M. CROPP, CHAIRMAN, FINANCIAL RESPONSIBILITY AND  
MANAGEMENT ASSISTANCE AUTHORITY**

**DR. ALICE M. RIVLIN, CHAIRMAN, COUNCIL OF THE DISTRICT OF  
COLUMBIA**

**DR. NATWAR M. GAHDHI, CHIEF FINANCIAL OFFICER**

#### **ACCOMPANIED BY:**

**CAROLYN GRAHAM, DEPUTY MAYOR FOR CHILDREN AND YOUTH  
SERVICES**

**PAUL VANCE, SUPERINTENDENT, D.C. PUBLIC SCHOOLS**

#### **OPENING STATEMENT OF SENATOR MARY L. LANDRIEU**

Senator LANDRIEU. Good afternoon, and if those here would take a seat, we will begin. I would like to call the meeting of the Appropriations Subcommittee for the District of Columbia to order and welcome all of our very, very special guests and our panelists today. Particularly to the Mayor of the District of Columbia, Mayor Williams, welcome, and Mrs. Cropp and all of the administrators for the District.

It is a pleasure for me to conduct this hearing, and we may be joined by one or two of the other members, but as you know, there are other subcommittee hearings taking place and bills and activity on the floor at this moment. But we may be joined by some of our other members.

Let me just begin by saying that the purpose of this hearing is to review the local budget and discuss the policy priorities of the District.

As you all know, I will just remind each of you that your entire statement will be made part of the record, so I would appreciate it if you could limit your opening statements to about 5 minutes.

Mr. Mayor, we will give you a little latitude here with yours in just a few minutes.

So, without objection, the record will remain open until 5:00 p.m., Friday, July 20, for the submission of any additional testimony or responses that myself or other members may raise.

So, let me begin, if I could, with an opening statement, and then we will take your statements and questions. Hopefully, we can finish our work in about an hour and a half, but if need be, we can go a little bit further into the afternoon.

I have already welcomed all of you here but I would specifically like to say, Mayor, what a personal honor it is to have you here. I have watched your work now very closely as a part-time resident of D.C. and back and forth between my home State. And to Councilwoman Cropp, for your good work that you do here in the District too. I follow the work that you do quite closely in the newspaper, not only as a Senator but as a resident of the District. If our house can ever get finished, Mayor, we will invite both of you over. It is not your fault but our fault that it is taking a while right on East Capitol.

But, Mr. Mayor, you have done a wonderful job, and you are supported by a very able city council. You have made a tremendous impact, Mayor, in such a short period of time. Much to your credit and others and the team that you have assembled around you, you have succeeded in streamlining the District's management processes, providing better, more efficient services to the residents of the District, which we all appreciate. The budget, which your office has crafted and which you are here, of course, to testify on, truly reflects that your vision is for more truth in budgeting, which I appreciate and the members of this committee appreciate.

Since taking office, this Mayor has succeeded in surpassing the balanced budget benchmarks set by Congress while maintaining a fiscally responsible budget focused on key areas and priorities.

The key to any strong society rests on its ability to provide primarily, in my opinion, an education for its youth, stability and safety for the least of its members, a strong economy, and a clean environment. Under your leadership, Mayor Williams, and the City Council, the District has made tremendous strides towards building a new and vibrant D.C. With an eye towards each of these visions, you have helped to improve education, begin the reform of the child welfare system, which is so critical to this city and to any city in our Nation, to reinvent the capital's parks and recreation sites for families everywhere in every neighborhood and for the children who desperately need places to run and play and recreate and to enjoy all the benefits of childhood, and most importantly, unify the city around a shared vision of a better tomorrow for the District and its residents.

I am pleased to find that several of the areas of focus within your budget are areas of great importance not only to me but members of the committee and things we work on in Louisiana every year and for many decades actually, and that is, education, child welfare, environmental conservation, and recreation have long been cornerstones of my own legislative agenda. In each of these areas, the Mayor and the council have been faced with a variety of different challenges, some of which are unique to the District, but

most of which many communities around this Nation struggle with each and every year. The tremendous efforts you have made will make sure that as the Nation's capital, the District is better positioned to serve as a model for other cities around the Nation. Again, for the thousands, hundreds of thousands of residents, but also the millions of people who visit here, it is a very, very special, place indeed.

They say that the test of a true leader is his or her ability to surround himself or herself with like-minded talented people. I would like to commend you and the leaders around you for the work that you have done, specifically Carolyn Graham, the Deputy Mayor for Children and Youth; Margaret Kellems, Public Safety; John Koskinen, City Administrator; Eric Price, Deputy Mayor for Economic Planning; and Nat Gandhi, the CFO, who we will hear from in a minute.

And to you, Ms. Rivlin, I thank you for the commitment that you have made in your role with the Control Board and others to give guidance through this difficult, but increasingly promising situation we find ourselves in.

I am pleased to know that Superintendent Vance has recently agreed to remain as Superintendent through another contract term. In his relatively short tenure as the Superintendent of D.C. Public Schools, Paul Vance has taken the Mayor's vision of education reform to a new level and begun to make it a reality. In his recent report to the Board of Education, Mr. Vance said, "I came to the D.C. Public Schools because ours is a rare opportunity to do for our children today the things that will make a difference for their future for today and tomorrow."

Might I say that any strengthening of our public schools or investment in our children is not only the right and moral thing to do for them, but it is the smart economic thing to do for this community and for our Nation. We look forward particularly to working with you all in that regard.

I am very interested in the District's efforts to use charter schools to help broaden school choice options for D.C. students. It is important that students and their parents have real choices between several quality educational options. Their education will most certainly be benefitted by that.

While the Nation's charter school movement has been slowed somewhat by certain barriers, the District continues to employ innovative approaches to increasing the number of charter schools and magnet schools. Just last month, the city celebrated the dedication of the first new public school to be built in over 20 years. The new school is a bilingual elementary school constructed at no cost to the taxpayers through an innovative community initiative public and private development partnership, a real model for many of our communities around the Nation. The state-of-the-art Oyster School, home to a nationally recognized dual-language immersion program in English and Spanish, will provide a unique learning experience for its students. It is this type of innovation that will allow the District to really move ahead.

I would also like to encourage the District to do its work to implement a District-wide system of assessment and accountability. Many cities and many States are moving to very rigorous account-

ability systems in schools. There are different measures of testing, some better than others, some more rigorous than others. Texas has its own system. Louisiana has its own system. But we have met with tremendous success when the tests and the measurements of accountability can be properly crafted and the right resources match the reform and the rhetoric, if you will, to make sure that each child is getting a quality education and we are getting the finest teachers and focusing on performance as opposed to process.

In fact, as you know, Mayor and Council Chairman, the Senate just recently passed our version of the Elementary and Secondary Education Act—and it was a bipartisan effort with the President, Democrats, and Republicans—to really be a catalyst for this school reform effort nationwide. So, we hope that the wind is truly at our back and here in D.C. we can catch part of that wind and continue the good work.

I also want to note in my opening the remarkable success of some of the college education programs that have been initiated here and the real challenge of not having the university base that we have in our own States. So, how do we make a college education really available to students here? Through the D.C. resident tuition program, which is fully federally funded and created by statute in 1998, this gives District residents the opportunity for a college education.

But there is work to do. Let me suggest that one program that I helped to start in Louisiana that may serve as a model—of course, there are many varieties of this around the Nation. But we have, to my knowledge, the only sort of 401(k) for education in the country. Not only do we have a full scholarship program in Louisiana called TOPS, which costs our State \$100 million a year in Federal dollars, but the result of that investment is that every child in Louisiana gets to go to college, that has a 2.5 percent average, for free at an in-state college. That amount of money is applied to out-of-state.

But to supplement that very robust scholarship program—and Georgia has something that is similar, not exactly—we put into place—and 3,000 families in Louisiana are taking advantage of—a 401(k) match where the poorer the family or the more challenged the family is, the greater the match. So, even if you can just manage to put up \$12.50 a week or \$25 a week or \$50 a month, over the course of 10 or 15 or 20 years saving for an education can amount to a serious amount of money, as your treasurer can tell you, with the value of compounded interest and a direct match from the State. And under this tax bill that we just passed, it is federally tax exempt. So, it could be quite an astonishing amount of money accumulated. So, I am hoping to visit with you all about the possibilities of opening some of those options for the children and families here in D.C.

Let me just end my statement by saying, in addition to the child welfare system, the education system, that we have made great progress on, and the budgetary systems, which will be more part of this hearing, I also want to commend you for your work on the Anacostia River, the development of parks and recreation, which is so important to the families and the residents of the District, but

to really make this beautiful city even more beautiful and a place where our Nation can truly celebrate all that is wonderful about being an American. So, to you, Mayor, and to your deputy and for all of the leadership that you have shown, let me thank you.

Now, we have a lot of work to do. This budget is in good shape, but it could be improved. There are still some very sticky wickets, if you will. There are some tough areas that still need to be addressed. But I want to just again commend you for your good work.

Let me recognize now my colleague from Texas who will have an opening statement, and I am sure some of her remarks will be focused on the importance of these reserve funds and how we want to work with the city in terms of the budgetary process and some other areas that she has worked in. I thank her for joining us. Senator Hutchison.

#### STATEMENT OF SENATOR KAY BAILEY HUTCHISON

Senator HUTCHISON. Well, thank you so much, Senator Landrieu, and welcome to your very first committee hearing as a subcommittee chairman. That is very exciting.

I want to say that I found being the chairman of the D.C. Subcommittee very rewarding, and I feel so good about all four of the people sitting in front of me because I think they are turning the District around. I am very proud of what each of you have done, Mayor and Ms. Cropp and Ms. Rivlin. You certainly have given a lot of time on a volunteer basis. And Dr. Gandhi, with whom I have worked since you came on board.

I would just like to say I asked to stay on the D.C. Subcommittee because I am so excited about the progress that is being made for our capital city. I am committed to doing the right thing, and I love this city and I want it to be the best that we have in America. I think we are on our way there.

Second, I think we have made some great strides in some innovative areas.

I think the tuition scholarship grants that we started so that D.C. students would have the opportunity to go to colleges and offset some of those college expenses because there is a shortage of space in the colleges here.

Second, I think what you have done in education in the charter schools having an option there for parents. The charter school that I visited was wonderful and doing a terrific job. I think that is a major step in the right direction.

I think the greatest accomplishment that we have made is in fiscal management and responsibility. This has certainly been tough for everyone, but I think you have worked so well with me in trying to establish real reserves. When I came on board as chairman, we had a budget reserve, but that did not seem to be strong enough to put us really into the investment grade bond arena. And I wanted us to have that in the District.

So, I started looking at what other cities have in reserve that make them fiscally sound and came up with a plan. We are in the process now of working into the 4 percent emergency fund with a 3 percent contingency. The emergency fund requires a very strict test before you can take money from the emergency fund; the contingency fund, less so. But it would be one-time only expenses, non-

recurring. But it is real money in the bank that the rating agencies can look at and know that if there were a real emergency, D.C. could handle it without worrying about taxing their people or coming back to Congress.

So, I think it is a very good beginning that we have, and from what I have understood from the Mayor and Dr. Gandhi, we will have that fully funded probably early, hopefully. So, I think we are on very sound ground, and I think once it is fully funded, the District of Columbia will have the same fiscal profile that the good, well-run major cities in America have. So, I am very proud of that. I certainly look forward to working with you to continue on that program. As long as we have the money in the reserves, I think you can start whittling away at the budget reserve because the real money would certainly be the safe and sound way to have your emergency needs met.

So, with that, I thank you very much and I applaud all of you for the leadership that you have shown. Sometimes it has been tough, and I appreciate that. But you have always been open and responsive and I think we are on the right track. And I thank you.

Senator LANDRIEU. Thank you.

#### STATEMENT OF HON. ANTHONY WILLIAMS

Mr. Mayor.

Mayor WILLIAMS. Good morning, Chairman Landrieu and Senator Hutchison. I thank both of you. I think this is a very able committee since both of you come from financial backgrounds. I feel like we are in good company here and we have worked well together as partners in moving our city forward.

I thank Senator Hutchison for her leadership on the reserve issues, on her leadership in working with us on economic development. We had a major ground breaking today for the Kmart and the Home Depot. So, we are very, very proud of that. You were there at the initial opening, so we were pleased with the support that you have given us.

And certainly, Senator Landrieu, your support for what we are doing not only with children in foster care and adoption but also now with the Anacostia River is welcome. We look forward to a very strong partnership with you to really make, as you say, the Anacostia River a river that unites our city. It is really a model waterfront for our Nation, and I thank both of you.

I have with me here John Koskinen, my City Administrator, who is sitting to my right, and I am also pleased that with me, although he does not really work for me, but in attendance is Superintendent Paul Vance of our schools. So, they are available to also help us answer any questions that you may have.

The theme of our budget this year is building a city that works for everyone, neighborhood by neighborhood. As our city moves forward, as both of you have remarked, it is important that we move forward together. It is equally important that we invest in critical services, most importantly high quality education for our children.

#### SCHOOL BUDGET

I am proud of the fact that our budget includes a \$29 million increase for the D.C. public schools, as well as a \$37 million increase



for the D.C. public charter schools. In addition, we include \$750,000 to launch the Lead Principals initiative, a recruiting drive by the superintendent that will draw highly talented principals from across the country to our lowest performing schools, and \$1.2 million for the Teaching Fellows program which will help the District recruit and train committed new teachers from an array of professional backgrounds.

We appreciate the fact that Congress and President Bush also place a high priority on education in the District. We are particularly gratified that First Lady Laura Bush was with us when we launched the Teaching Fellows program.

We are even more pleased to report that more than 1,200 people, including dot-com executives, retired persons, and even a few former congressional staffers, have applied for the program in its first year. 1,200 people. To me that is a solid indication that folks, regular citizens, are willing to invest themselves in turning around schools and our school system.

As you may also know, Washington is home to probably the most vibrant, vigorous, robust charter school movement in the country. This fall we are going to have 40 charter schools in operation. We have not been able to satisfy all needs for facilities, but we are working closely with these schools to help them and all of our public schools. Between the large array of charter schools and liberal out-of-boundary enrollment programs in our school system, the District has embraced public school choice. Parents in the District in fact, practically speaking, have many options. It is our hope to broaden those choices, especially for those in chronically low performing schools as the superintendent implements his plan to reconstitute schools and provide parents with new environments within the public school system.

I think the subcommittee would also be pleased to know that, thanks to the tuition assistance grant program, more than 1,800 District youth received financial assistance to attend colleges and universities in 37 States. For many of them, this program means a difference between attending and not attending college. The number of applicants, grantees, and participating schools has far exceeded our expectations.

With a year's worth of successful operations under our belt, the District now needs the Congress to amend the original statute and remove the requirement that participants have graduated after January 1, 1998 and that they have commenced higher education within 3 years of their high school education. These restrictions we find needlessly exclude older students and others who, for whatever reasons, fall into these categories. Financially and administratively, the program can withstand this expansion. Congresswoman Norton has drafted a bill, H.R. 1499, to effect this change. This bill has been passed by the House Subcommittee on the District and is now being considered by the full Committee on Government Reform in the District of Columbia. And we urge you to also consider and we hope approve this initiative.

To further ensure quality educational opportunities, our budget includes \$174 million to renovate and build quality school buildings for our children. Going forward, we believe that we have to pursue every means of supporting our master facilities plan, designed with

the input council and District citizens and under the leadership of our superintendent. As we look to the future, we also have to make sure that we fix what has not worked in the past, and there are clear indications that superintendent Vance has begun turning the facilities division around. We need to see the continued vigilance to make sure that our school construction projects are starting and staying on schedule on a reliable basis.

As we rebuild our schools, we also have to ensure that children and adults receive the support they need beyond school walls. To this end, the budget provides for three key enhancements.

First, it includes an expansion of the District's Earned Income Tax Credit for low income residents, increasing the local credit from 10 percent to 25 percent of the Federal level.

The capital budget, secondly, includes more than \$8 million for construction of senior wellness centers, and \$15 million to enhance the infrastructure of information and facilities that are critical to delivering human services to our most vulnerable residents.

Third, it invests \$62 million in new program funding to provide better health care to those citizens who need it most through a re-structured health delivery system that provides more health care to more people at a lower cost.

But even with these enhancements, our residents cannot reach their full potential if they live in unhealthy neighborhoods. Children, youth, adults, and families cannot thrive unless they live in a clean and safe community, a community with jobs, stores, parks, and affordable homes.

So, toward this goal, our budget enhances Fire Department operations with more than \$12 million for capital equipment and facility upgrades, enhances the Police Department with a \$12 million increase for staffing and equipment, and includes \$11 million for library renovations, \$59 million to improve local streets, which we all know is clearly needed, and \$67 million to renovate recreation centers in our city.

#### ANACOSTIA RIVER INITIATIVE

The capital budget includes \$2 million in matching funds to take another step in an enormous task of cleaning up the Anacostia River. This river has suffered for many, many years to the point of becoming a health hazard and a deterrent to economic development in some of our most challenged communities. My administration is partnering with the Federal Government to aggressively begin restoring this river.

To improve water quality, the District has planted, in partnership with the Army Corps of Engineers, 46 acres of wetlands and installed several trash traps on the river. We have also removed three vessels that were either abandoned or sunk in the river, and I am proud of that.

While these measures are tangible steps, we are also working with the Federal Government on a massive effort toward a long-term solution, what we call combined sewage overflow. We need a system that can remove the toxic materials in the river bed and the discharges that contaminate the river.

Central to this effort is \$12 million that Congresswoman Norton and I requested from the VA/HUD Appropriations Subcommittee in

the House in March of this year to begin to implement the long-term combined sewage overflow control plan design. This plan would mitigate the negative environmental impacts from 60-plus discharges of diluted sewage that flow into the river annually. We hope that Congress will continue and sustain its support with us on the Anacostia River in general and certainly on the combined sewage overflow issue in particular.

#### FISCAL RESPONSIBILITY

I want to speak a minute about the area of fiscal responsibility because in meeting the benchmarks put forward by Congress, we have achieved a high level of fiscal strength that many would have thought unthinkable and certainly unattainable a few years ago.

We have now achieved four clean annual financial audits in a row. Our accumulated fund balance is projected to exceed \$550 million in fiscal year 2004, and bond ratings reached investment grade years ago and continue to improve. Local revenues have increased nearly 30 percent, and we have done this with fewer full-time employees than we had 20 years ago.

And the District's success in attracting new economic development has been well documented.

One of the greatest indications of the District's restored financial health is our swift progress in building financial reserves. Last year Congress challenged the District to establish emergency and contingency cash reserves that, when fully funded, will equal 7 percent of the total annual operating expenditures appropriated from local funds. These accounts are to be fully funded at 1 percent a year by fiscal year 2007.

I am pleased to report that the first 1 percent—that is \$33 million—was set aside in fiscal year 2000. So far this year, we have deposited an additional 2 percent, \$69 million to be exact, for a total of \$102 million. At this pace, the District will meet the 7 percent target, which we are happy to say—and are pleased with—will exceed every other State and local jurisdiction in the country, by fiscal year 2003, 4 years ahead of schedule. So, we are happy with this reserve requirement. We do not complain about this reserve requirement.

The establishment of these permanent cash reserves should eliminate, though, the ongoing need for an additional budget reserve. As such, we ask that you include language in this year's appropriations bill to amend the existing budget reserve requirement. Currently, the \$150 million budget reserve is scheduled for complete phase-out at the end of fiscal year 2004. Under our proposal, this phase-out would begin gradually in fiscal year 2002, and by fiscal year 2004, the budgeted reserve would be replaced by a fully funded operating cash reserve in the amount of \$50 million. This \$50 million reserve would be in addition to the approximately \$250 million in emergency and contingent reserves that will be accumulated by this time, as we have discussed above.

So, we would like to initiate the phaseout in the fiscal year 2002 budget with a \$30 million reduction in the \$150 million budgeted reserve requirement toward the path, as Senator Hutchison suggested, matching where we are with our cash emergency and contingency reserve with where we are with our budget reserve. I

think this is consistent with that philosophy and with that principle and moves in that direction.

I want to emphasize again that as far as I can see—and I cannot speak for my colleagues, but I believe we in the District are happy because we understand our history, we understand our circumstances in context. We do not complain with a 7 percent reserve requirement. We are happy to lead the rest of the country. We just want to make sure that we are mapping the cash requirements with our budget requirements on an ongoing basis.

We have talked about one government, moving our receiverships back into the city, and good government. Just a word about self-government. We do believe that living in the greatest democracy in the world, we as citizens of the capital city should be able to elect voting representatives to the Congress. On top of this, we should not have to, given the circumstance, pay more Federal taxes per capita than any State other than Connecticut.

So, early this spring, the No Taxation Without Representation Act of 2001 was introduced in Congress to provide D.C. residents full voting representation in Congress. This is the first voting rights bill that has been introduced simultaneously in the Senate and the House. On behalf of all of the citizens in the District who suffer from this taxation without representation, I urge the committee to look favorably on this bill.

In addition to no voting representation, we also suffer under very limited legislative and budgetary autonomy. Again, we are very, very happy with the partnership that we have built with the Congress, and we want to continue this partnership. But in the Federal appropriations process, Congress reviews our local decisions and imposes its will on how we spend our local dollars. Likewise, Congress often inserts itself in our legislative process by requiring a 30-day review before local legislation can take effect. Both of these processes create major delays and disruptions at the local level and further infringe on rights of citizens to manage local affairs.

So, along with Congresswoman Norton, we are now advocating for a reasonable level of budgetary and legislative autonomy for the District. In our recent testimony and discussions with Members of the House, members of both parties I should add, this proposal has earned a positive reception, and I urge this committee to join with its colleagues to provide for well-deserved legislative and budgetary autonomy for the District.

#### PREPARED STATEMENT

With that, once again, I would like to thank the committee for its efforts on behalf of the District, thank the committee for its leadership in a number of key areas, and as always, stand willing not only to work with you but to answer, in conjunction with my colleagues, any questions you may have.

[The statement follows:]

#### PREPARED STATEMENT OF HON. ANTHONY WILLIAMS

Good morning Chairman Landrieu, Senator DeWine, and members of the committee. I'm very pleased to be here today to discuss the District's fiscal year 2002 Budget and Financial Plan. The theme of this budget is Building a City that Works for Everyone—Neighborhood by Neighborhood. This theme reflects the focus of our efforts in the District to date, and reflects our vision for the future.

## INVESTING IN CRITICAL PRIORITIES

As we invest in critical services, the foremost priority of my administration is to ensure that every child has access to a high quality education in a safe and healthy school. In fiscal year 2001 I committed to full funding for education, and I continue that commitment in fiscal year 2002.

Our budget includes a \$29 million increase for the D.C. Public Schools and a \$37 million increase for the D.C. Public Charter Schools. In addition, we include \$750,000 to launch the Lead Principals initiative—a recruiting drive that will draw highly talented principals from across the country to our lowest performing schools—and \$1.2 million for the Teaching Fellows program, which will help the District recruit and train committed new teachers from an array of professional backgrounds.

We appreciate the fact that Congress and President Bush also place a high priority on education in the District. The city is particularly gratified that First Lady Laura Bush helped launch the Teaching Fellows program.

We are even more pleased to report that over 1,200 people—including “dot-com” executives, retired persons, and even a few congressional staffers—applied for this program in its first year. This is a solid indication that citizens are willing to invest themselves in turning around our school system.

As you know, Washington is home to probably the most vibrant charter school movement in the country. This fall we will have 40 charter schools in operation. We have not been able to satisfy all needs for facilities, but we are working with these schools closely to help them and all of our public schools. Between the large array of charter schools and a liberal out-of-boundary enrollment program, the District has embraced public school choice. Parents have many options. It is my hope to broaden those choices—especially for those in chronically low-performing schools—as DCPS implements plans to reconstitute schools and provide parents with new environments within the public school system.

The subcommittee will be happy to know that thanks to the Tuition Assistance Grant Program, more than 1,800 District youth received financial assistance to attend colleges and universities in 37 states. For many of them, this program means the difference between attending and not attending college. The number of applicants, grantees, and participating schools far exceeded our expectations.

With a year's worth of successful operations under our belt, the District now needs the Congress to amend the original statute and remove the requirement that participants have graduated after January 1, 1998 and that they have commenced higher education within three years of their high school graduation. These restrictions needlessly exclude older students and others who, for whatever reasons, fall into these categories. Financially and administratively the program can withstand this expansion. Congresswoman Norton has drafted a bill, H.R. 1499, to affect this change. This bill has been passed by the House Subcommittee on the District of Columbia, and is now being considered by the full Committee on Government Reform and the District of Columbia. I encourage you to also approve this initiative.

To further ensure quality educational opportunities, my capital budget includes \$174 million to renovate and build quality school buildings so that our children have safe, functional, inviting environments in which to learn. Going forward, we need to pursue every means of supporting the proposed Master Facilities Plan, designed with the counsel and input of citizens. And, as we look to the future, we must also make sure we have fixed what has not worked in the past. There are clear indications that Superintendent Vance has started turning the facilities division around. We need to see that continued vigilance to make sure that school construction projects start and stay on schedule.

While we rebuild our schools, however, we must also ensure that children and adults receive the support they need beyond the school walls. To that end, this budget provides for three key enhancements.

- First, it includes an expansion of the District's Earned Income Tax Credit for low-income residents—increasing the local credit from 10 percent to 25 percent of the federal level.
- Second, the capital budget includes more than \$8 million for the construction of senior wellness centers, and \$15 million to enhance the infrastructure of information and facilities that are critical to delivering human services to our most vulnerable residents.
- Third, it invests \$62 million in new program funding to provide better health care to those citizens who need it most through a restructured health care delivery system.

Even with strong schools and quality human services, however, our residents cannot reach their potential if they live in unhealthy neighborhoods. Children, youth,

adults, families, and seniors cannot thrive unless they live in a clean and safe community—a community with jobs, stores, parks, and affordable homes.

To move us toward that goal, this budget enhances Fire Department operations with more than \$12 million for capital equipment and facility upgrades, enhances the Police Department with a \$12 million increase for staffing and equipment, and includes \$11 million for library renovations, \$59 million to improve local streets, and \$67 million to renovate recreation centers.

The capital budget also includes \$2 million in matching funds to take another step in the clean up of the Anacostia River. This river has suffered for too many years, to the point of becoming a health hazard and a deterrent to economic development in one of our most challenged communities. My administration has partnered with the federal government to aggressively begin restoring this river.

To improve water quality, the District government has planted, in partnership with the Army Corps of Engineers, 46 acres of wetlands and installed several trash traps in the river. We have also removed three vessels that were either abandoned or sunken in, the river.

While these measures are tangible steps towards a cleaner river, no real victory can be achieved without addressing the long-term solution of the Combined Sewer Overflow System, the removal of toxic materials in the riverbed, and the removal of silt that clogs the flow of the river.

Central to this effort is the \$12 million that Congresswoman Norton and I requested from the VA/HUD Appropriations Subcommittee in March of this year to begin to implement the long-term Combined Sewer Overflow control plan design. This plan would mitigate the negative environmental effects from the 60 plus discharges of diluted sewage that flow into the river annually. We hope the Congress will support the District in this appropriation.

As we clean up the natural environment, the District is also taking great strides to maintain and develop affordable housing. As the District economy experiences historic levels of prosperity, we must ensure that everyone shares in that prosperity. One key to doing so is to help low- and moderate-income residents gain and maintain access to affordable homes. Through these investments, the District will continue to make great strides in service improvements across the city.

#### MAINTAINING FISCAL RESPONSIBILITY

Even while investing in critical priorities, the District maintains high standards of fiscal responsibility. In meeting the benchmarks put forth by Congress, we have achieved a level of fiscal strength that many would have thought unattainable in such a short period of time.

- We have achieved four clean annual financial audits in a row.
- Our accumulated fund balance is projected to exceed \$550 million in fiscal year 2004.
- Our bond ratings reached investment grade years ago, and continue to improve.
- Our local revenues have increased nearly 30 percent, and we have done this with fewer full-time employees than we had 20 years ago.
- And the District's success in attracting new economic development has been well documented.

One of the greatest indications of the District's restored financial health is our swift progress in building financial reserves. Last year Congress challenged the District to establish emergency and contingency cash reserves that—when fully funded—will equal seven percent of the total annual operating expenditures appropriated from local funds. These accounts are to be fully funded, at one percent per year, by fiscal year 2007.

The first one percent—that's \$33 million—was set aside in fiscal year 2000. So far this year, we have deposited an additional two percent—\$69 million to be exact—for a total of \$102 million. At this pace, the District will meet the seven percent target by fiscal year 2003—four years ahead of schedule.

The establishment of these permanent cash reserves should eliminate the ongoing need for an additional budget reserve. As such, I ask that you include language in this year's appropriations bill to amend the existing budget reserve requirement. Currently, the \$150 million budget reserve is scheduled for complete phase out at the end of fiscal year 2004. Under our proposal, this phase out would begin gradually in fiscal year 2002, and by fiscal year 2004, the budgeted reserve would be replaced with a fully funded operating cash reserve in the amount of \$50 million. This \$50 million reserve would be in addition to the approximately \$250 million in emergency and contingent reserves that will be accumulated by this time, as discussed above. We would like to initiate the phase out in the fiscal year 2002 budget with a \$30 million reduction in the \$150 million budgeted reserve requirement.

Considerable benefits would be realized by such a restructuring. The District would begin to establish budget flexibility through the creation of a new cash reserve that it could access for routine budget adjustments. At the same time, phasing out the obligation of the District to fund the \$150 million annual budget reserve will provide much needed relief in the fiscal year 2002 and 2003 operating budgets helping us to meet critical operating needs while maintaining balanced budgets in the immediate post-control period.

#### ONE GOVERNMENT, GOOD GOVERNMENT, AND SELF-GOVERNMENT

As we invest in critical priorities and maintain fiscal responsibility, we continue moving toward one government, good government, and self-government. District leaders have demonstrated a high level of cooperation and an unprecedented level of responsiveness to our citizens.

We live in the greatest democracy in the world, but ironically, we citizens of the capital city cannot elect voting representatives to the Congress. On top of this disenfranchisement, District residents pay more federal taxes per-capita than any state in the union except for Connecticut.

Early this spring, the No Taxation Without Representation Act of 2001 was introduced in Congress to provide D.C. residents full voting representation in Congress. This is the first voting rights bill that has been introduced simultaneously in the Senate and the House. On behalf of the more than half a million people in the District who suffer taxation without representation, I urge you to pass this bill.

In addition to no voting representation, the District also suffers under very limited legislative and budgetary autonomy. In the federal appropriations process, Congress reviews our local decisions and imposes its will on how we spend our local dollars. Likewise, Congress inserts itself in our legislative process by requiring a 30-day review before local legislation can take effect. Both of these processes create major delays and disruptions at the local level, and further infringe on rights of our citizens to manage local affairs.

Along with Congresswoman Norton, we are now advocating for a reasonable level of budgetary and legislative autonomy for the District. In our recent testimony and discussions with members in the House—members of both parties I should add—this proposal has earned a positive reception. I encourage this committee to join with your colleagues to provide this well-deserved autonomy to the District.

And finally, as part of this commitment to democracy and autonomy in the District, I encourage Congress to end the practice of attaching riders to our appropriation. This micromanagement is not only an affront to home rule, but it disrupts the timely passage and execution of our budget. Therefore, it is my hope on behalf of all District residents that this Congress will respect local will and pass a clean bill that provides the District with the autonomy it deserves.

This concludes my testimony. I thank you for the opportunity to present our priorities to you today, and I would be happy to respond to any questions you may have.

Senator LANDRIEU. Thank you, Mr. Mayor, for that concise statement. We will return in just a moment with questions.

Mrs. Cropp, Councilwoman, would you like to proceed?

#### STATEMENT OF LINDA M. CROPP

Ms. CROPP. Thank you very much. Let me say good afternoon, Chairman Landrieu and Senator Hutchison. It is indeed a pleasure to be here with my colleagues and testify before you today on behalf of the 2002 budget.

Chair Landrieu, let me just say I listened to stories of my husband's brother talking about the Anacostia River where they grew up near what is called the Eastern Branch, and they used to go swimming in that part of the river. Let us hope that we can bring it back to that state.

Senator LANDRIEU. We can do that hopefully sometime soon. I look forward to taking the plunge with you when we can do that.

Ms. CROPP. Senator Hutchison, I join with the Mayor to be able to say the cash is in the bank and we are pleased that that has occurred.

Fiscal year 2002. This is the year that we have all been looking forward to with great anticipation. The council, together with the Mayor, is pleased to present to Congress our 2002 budget. Although the budget is another in a series of fiscally sound and responsible budgets, it is a turning point in our young history of home rule. This budget was accomplished without the Financial Authority and came on the heels of several major accomplishments of the city.

We have demonstrated—and there are a lot of “we’s”—that as elected leaders, we are ready to govern the city ourselves, and that is without the Financial Authority. However, I must take this time to personally thank, on behalf of the citizens, the work of Chairman Alice Rivlin with the Financial Authority, Andrew Brimmer, and the other members who put in an awful lot of time and effort on behalf of the city and its citizens.

We also have exercised sound financial discipline in our oversight role by putting safeguards and insurance policies, when necessary, and triggers in our budget to make sure that we would not overspend.

We have made remarkable progress in improving our city’s image and our services.

We are in good shape economically as seen in our real estate market, both private and commercial. Signs do not stay up. People automatically offer more money than what people are asking.

We have obtained clean audits for the fourth consecutive year.

We have ended fiscal year 2000 with a healthy accumulated surplus of \$465 million.

We are in good fiscal standing and our bond ratings have been raised.

We have a healthy rainy day savings which is projected to reach the 7 percent requirement, as the Mayor stated, by 2003, way ahead of the schedule that had been anticipated by most.

We have prepared a spending plan which is our fifth consecutive balanced budget.

As part of the council’s reorganization period, the council and its committees have established a legislative agenda. Our legislative agenda had certain criteria within it. We demand fiscal discipline. We are looking at revitalizing our neighborhoods. We want to invest in our youth, protect our vulnerable residents, oversee the executive performance of service delivery, promote continued economic stability and growth, and expand home rule and democracy. We are pleased to say that the council worked, in conjunction with the Mayor, because we all agree that these are very important issues for us to address in order to make this city move forward.

For your information, we will present to you a copy of the Council Period XIV Legislative Agenda for your records.

#### LOCAL FUNDS BUDGET

An integral part of the council budget process is the public input, and as such, many hearings on the fiscal year 2002 budget were held. The process gave citizens and our work force an opportunity to comment and critique programmatic and funding needs and agency performances throughout the city. This feedback is invaluable because it contributed and culminated in the decisions and



recommendations of each committee in the markup of the budget. Following a review for the committee recommendations, the committee of the whole made additional revisions in order to bring the budget into balance. At the end of the process, the council had conducted a total of 61 public hearings and, where appropriate, incorporated the findings from our citizens and our employees into this budget.

In May, the council approved the \$5.3 billion spending plan that provides adequate funding for basic city services and programs. Our schools continue to receive full funding. Health and neighborhood revitalization programs were funded. For example, there is a \$2 million pilot for the interim disability assistance program for disabled adults, and there is funding for more stabilization officers to help abate nuisance properties.

This budget also earmarked \$23 million for local road repairs, contribution, and maintenance. Of this amount, \$11 million is set aside in contingency funding for freed-up appropriations. We ask you to approve the \$11 million because this is a one-time expenditure and it is critical for the District to address the disparity between the excellent Federal roads and the poor or fair local roads that we are trying to move to that excellent condition also.

It is my understanding that in recognition of the District's accelerated establishment of the 7 percent cash reserve, the committee is receptive to recommendations of lowering the \$150 million budgeted reserve to a more realistic level of approximately \$120 million for fiscal year 2002. The council supports this idea and we will work very closely with the Mayor and the CFO and this committee to finalize whatever is necessary in order to do this. I concur with the remarks made by our Mayor with regard to our reserve. He was certainly speaking, I think, on behalf of the council also when he said we want to have money in the bank, a cash reserve in the bank. It is a safety net and we think that is a fiscally sound budgeting process. But once we go over that, we still have needs for our community, and we would like to be able to support those needs.

It is worth recalling to you, however, that last year the council requested that the Greater Washington Society of CPAs analyze the District's purported disproportionate share of revenues from Federal grants. Their conclusion was that the ratio of Federal grants to the District general fund revenue is not high. And there is a table that we have submitted for this. In short, the Federal Government is not subsidizing the District as generously as many think. When compared to the other 50 States, 32 States received a greater portion of the Federal funds for their general fund than the District does, and that is in table 2. Again, this was done by an independent group, the Greater Washington Society of CPAs.

It is worth recalling that when the 1997 Revitalization Act was passed, one recommendation was that since the District no longer receives any Federal funds or payments, that the Congress would not need to review or approve its budget. At a minimum, Congress should no longer approve the local portion of the District's budget. We concur wholeheartedly with the sentiments of the Mayor with regard to budget and the legislative autonomy. We passed an awful lot of emergency legislation due to our lay-over period.

Finally, as you consider our appropriations request, we ask that you support and pass in time for the start of the new fiscal year this budget. This budget is important for the city because it is put together by locally elected leaders. It is important to remember that at the end of the budget process, both the council and the Mayor found themselves in sync and approved the budget that invests in service delivery and basic programs. Furthermore, we urge you to pass this budget as is without any extraneous riders. This much anticipated fiscal year 2002 budget is important because it shows that the Mayor and the council can coexist and underscores our commitment to make Washington, D.C. one of the best governed cities in the world.

#### PREPARED STATEMENT

Let me also join with the Mayor, in conclusion, in asking the committee's support for the No Taxation Without Representation as it comes forward. We pay more than \$2 billion annually in Federal taxes, and we do not have a seat at the table. So, we agree with that.

Thank you so very much for this opportunity.  
[The statement follows:]

#### PREPARED STATEMENT OF LINDA M. CROPP

##### INTRODUCTION

Fiscal year 2002 . . . this is THE year that we have been looking forward to with great anticipation. The Council, together with the Mayor, is pleased to present to Congress our fiscal year 2002 budget. Although this budget is another in a series of fiscally sound and responsible budgets, it is a turning point in our young history of home rule. This budget was accomplished without the Financial Authority and came on the heels of several major accomplishments in the city:

- WE have demonstrated that, as elected leaders, we are ready to govern the city ourselves, that is, without the Financial Authority; (As the control period comes to an end, I would like to take this opportunity to thank Dr. Alice Rivlin, the former Chair Dr. Andrew Brimmer as well as each member of the previous and current Financial Authority for their service and commitment.)
- WE have exercised sound financial discipline in our oversight role by putting safeguards, "insurance policy", and triggers in this year's budget;
- WE have made remarkable progress in improving the city's image and services;
- WE are in good shape economically as seen in our real estate market both private and commercial;
- WE have obtained clean audits for the fourth consecutive year;
- WE ended fiscal year 2000 with a healthy accumulated surplus of \$465 million;
- WE are in good fiscal standing and our bond ratings have been raised;
- WE have a healthy rainy day savings which is projected to reach the seven percent by fiscal year 2003, and;
- WE have prepared a spending plan which is our fifth consecutive balanced budget.

##### COUNCIL PERIOD XIV

As part of Council reorganization for Period XIV, we have added two subcommittees to the existing 10 standing committees.<sup>1</sup> Our legislative agenda also included seven important goals. These are:

- Demand Fiscal Discipline
- Revitalize our Neighborhoods
- Invest in our Youth

<sup>1</sup>The 10 committees are Government Operations, Economic Development, Judiciary, Public Education, Human Services, Public Works, Consumer & Regulatory Affairs, Finance & Revenue, Public Service, and Committee of the Whole. The 2 subcommittees are Subcommittee on Latino Affairs, Human Rights, and Property Management and Subcommittee on Labor, Voting Rights, and Redistricting.

- Protect our Vulnerable Residents
- Oversee Executive Performance of Service Delivery
- Promote Continued Economic Stability and Growth
- Expand Home Rule and Democracy.

For your information, we will send you a copy of the Council Period XIV Legislative Agenda when it becomes available.

#### THE COUNCIL-MAYOR BUDGET PROCESS

In December of last year, the Council passed the fiscal year 2002 Budget Submission Requirements Resolution of 2000. It established March 12 as the date by which the Mayor shall submit to the Council the proposed budget. The Mayor transmitted his budget on March 12 and the Council acted on it within the 50 days as required by the Home Rule Charter. During this 50-day period, the Council worked diligently with the Mayor in aligning both sets of priorities and, put together a fiscally sound and responsible spending plan that will serve our citizens well and make the District a better place to live. The operating budget funds basic city services and programs. The capital budget, as a result of stringent oversight by the Council, was realigned by directing funds from non-performing or delayed projects to new or existing projects, resulting in a better Capital Improvement Plan that will improve the infrastructure of the District and encourage economic growth.

When the Mayor submitted the budget to us on March 12, he had proposed a local budget of \$3.53 billion, an increase of \$95 million or 2.7 percent over the new fiscal year 2001 budget as amended by the supplemental request. An integral part of the Council budget process is public input and, as such, many hearings on the fiscal year 2002 budget were held. The process gave the citizens and our workforce an opportunity to comment and critique programmatic and funding needs and agency performances throughout the city. This feedback is invaluable because it contributed and culminated in the decisions and recommendations of each committee in the mark-up of the budgets. Following a review of the committee recommendations, the Committee of the Whole made additional revisions in order to bring the budget into balance. At the end of this process, the Council had conducted a total of 61 public hearings and, where appropriate, incorporated the findings from our citizens and employees into this budget.

#### HIGHLIGHTS OF THE FISCAL YEAR 2002 BUDGET

On May 1, the Council approved the \$5.3 billion spending plan that provides adequate funding for basic city services and programs. Schools continue to receive full funding. Health and neighborhood revitalization programs were funded, for example, there is \$2 million for a pilot Interim Disability Assistance program for disabled adults, and there is funding for more Neighborhood Stabilization Officers to help abate nuisance properties. This budget also earmarks \$23 million for local road repairs, construction, and maintenance. Of this amount, \$11 million is set aside in contingency funding from the fiscal year 2001 freed-up appropriations or pending additional revenue certification. We ask you to approve this \$11 million because this one-time expenditure is critical for the District to address the disparity between the “excellent federal” roads and “poor or fair local” roads in every ward of the city.

All of this was done without any general tax increase. In fact, we are continuing with the phase-in of tax reductions associated with the Tax Parity Act passed by the Council in 1999. This Council action will bring our taxes more in-line with our neighbors over a five-year period. We believe this has contributed to the economic “renaissance” that our city is experiencing.

#### FEDERAL CONTRIBUTION

Historically, the relationship between the District and the federal government has been a unique political and financial arrangement. Between 1879 to 1920, the federal government would provide assistance by paying half of all District expenditures. Subsequently, given the various federal prohibitions on taxing nonresident incomes, federal properties, federal purchase of goods and services, the District would receive a direct payment. This payment was stopped in 1997 when the federal government took over some of the “unusual” costs such as contributions for the police, firefighters, and teachers’ retirement plans and various Court services. Last year the Council requested that the Greater Washington Society of CPAs (GWS of CPAs) analyze the District’s purported disproportionate share of revenues from the federal grants. Their conclusion was that the ratio of federal grants to the District General Fund revenue is not high (see Table 1). In short, the federal government is not subsidizing the District as generously as many think. When compared to the other 50

states, 32 states received a greater portion of federal funds for their general fund than the District does (see Table 2).

It is worth recalling that when the 1997 Revitalization Act was passed, one recommendation was that since the District no longer receives any federal payments, Congress would not need to review or approve its budget. At a minimum, Congress should no longer approve the local portion of the District's budget. Just like the other 50 states, the District would be solely responsible for approving its own local spending.

#### CONCLUSION

Finally, as you consider our appropriations request, we ask that you support and pass the budget in time for the start of the new fiscal year. This budget is important for the city because it is put together by the locally elected leaders. It is important to remember that at the end of the budget process, both the Council and the Mayor found themselves in sync and approved a budget that invests in service delivery and basic programs. Furthermore, we urge you to pass the budget as is, without any extraneous riders. This much anticipated fiscal year 2002 budget is important because it shows that the Mayor and the Council can co-exist together and underscores our commitment to make Washington D.C. one of the best governed cities in the world.

Nonetheless, the Council will continue to oversee executive operations and expenditures. We will be responsive to our constituents who call the District their home. We will work with the Mayor, Congress, and the surrounding governments to achieve mutually shared goals. Together with the Mayor, we will produce good responsible budgets that invest dollars for the District and leave a legacy for future generations. Granted we do not always agree from time to time, but we will be at the table to assert ourselves as an institution and work for the betterment and future of our citizens.

TABLE 1.—COMPARISON OF GOVERNMENTAL FUND TYPE REVENUES DC VS. OTHER GOVERNMENTS FOR ACTUAL FISCAL YEAR 2002

[Dollars in millions]

	District of Columbia	State of Maryland	Prince George's County, MD	State of New York
Federal Grants .....	\$1,253	\$3,974	\$663	\$24,004
Federal Pension Costs .....	\$182	.....	.....	.....
Federal Reimbursements for Restrictions and Unusual Costs .....	\$254	.....	.....	.....
Taxes .....	\$3,128	\$10,405	\$854	\$37,259
All Other .....	\$488	\$1,523	\$101	\$10,474
<b>Total Revenue .....</b>	<b>\$5,305</b>	<b>\$15,902</b>	<b>\$1,618</b>	<b>\$71,737</b>
<b>Percent Federal Grant Revenue to Total Revenue .....</b>	<b>24</b>	<b>25</b>	<b>41</b>	<b>33</b>

Source: District of Columbia Audit Task Force, Greater Washington Society of CPAs, District of Columbia Audit Briefing Fiscal Year 2000 Report

TABLE 2.—COMPARISON OF FEDERAL FUNDS IN TOTAL GENERAL FUND FOR ACTUAL FISCAL YEAR 1999

[Dollars in millions]

State	Total gen- eral fund revenue	Federal funds	Percent federal funds to total GF revenue
North Dakota .....	\$2,123	\$810	38
Alabama .....	13,675	5,152	38
Tennessee .....	15,772	5,793	37
Montana .....	2,615	954	36

TABLE 2.—COMPARISON OF FEDERAL FUNDS IN TOTAL GENERAL FUND FOR ACTUAL FISCAL YEAR  
1999—Continued  
[Dollars in millions]

State	Total gen- eral fund revenue	Federal funds	Percent federal funds to total GF revenue
New Hampshire .....	2,549	923	36
South Dakota .....	1,959	706	36
Vermont .....	2,020	722	36
West Virginia .....	6,067	1,980	33
Mississippi .....	8,149	2,643	32
California .....	109,635	34,375	31
South Carolina .....	11,121	3,443	31
Oklahoma .....	10,000	3,094	31
Maine .....	4,479	1,356	30
Idaho .....	3,372	1,018	30
Texas .....	44,700	13,098	29
Pennsylvania .....	36,863	10,679	29
Kentucky .....	14,635	4,220	29
New York .....	74,482	20,937	28
Louisiana .....	14,984	4,204	28
Rhode Island .....	4,042	1,120	28
Indiana .....	15,014	4,115	27
Colorado .....	6,523	1,732	27
Alaska .....	5,092	1,350	27
Georgia .....	24,218	6,414	26
North Carolina .....	23,810	6,122	26
Missouri .....	15,228	3,899	26
Arizona .....	14,803	3,785	26
Michigan .....	33,180	8,471	26
Nebraska .....	5,358	1,355	25
Kansas .....	8,306	2,089	25
New Mexico .....	7,803	1,959	25
Wyoming .....	2,155	536	25
Iowa .....	10,649	2,516	24
District of Columbia .....	5,350	1,260	24
Washington .....	20,357	4,738	23
Utah .....	6,543	1,479	23
Massachusetts .....	24,267	5,456	22
Arkansas .....	9,463	2,050	22
Illinois .....	31,416	6,675	21
Maryland .....	17,116	3,533	21
Florida .....	46,213	9,349	20
New Jersey .....	26,788	5,371	20
Minnesota .....	17,592	3,444	20
Wisconsin .....	22,797	4,349	19
Oregon .....	12,891	2,457	19
Virginia .....	21,535	3,504	16
Hawaii .....	6,496	1,015	16
Delaware .....	4,701	682	15
Nevada .....	6,947	928	13
Ohio .....	36,210	4,413	12
Connecticut .....	14,772	1,351	9

Source: National Association of State Budget Officers, 1999 State Expenditure Report.

Senator LANDRIEU. Thank you again for that excellent statement.

I'm sorry. The shadow Senator is here, and I did not recognize Senator Paul Strauss. Would you stand and be recognized please? Thank you very much for your attendance.

Dr. Rivlin?

STATEMENT OF DR. ALICE M. RIVLIN

Dr. RIVLIN. Thank you, Madam Chairman. I am very pleased to be here, and I am pleased that it is the last time I will be here. I want to join with my colleagues in recognizing not only your leadership, Madam Chairman, but the very significant contributions of Senator Hutchison when she chaired this committee, particularly but not exclusively on the question of the cash reserve.

Senator HUTCHISON. Dr. Rivlin, I would just say I do not know if it is a blessing or a curse, but you have two successive State treasurers now as chairman of D.C. Approps. So, I think it is good. I do not know if you do.

Dr. RIVLIN. We think so too.

I appear this time in a limited transitional role. This year, as you know, the Authority was required to review but not to approve of the District budget, a very significant difference. Even last year we played a less active role than in prior years. That budget was worked out between the Mayor and the council, not without some difficulties, and we played a less active role in the process, but approved the budget when it came forward to us.

We also approved the supplemental budget for 2001 and we appreciate the subcommittee's support of that measure.

In 2002, we have reviewed the budget that was put together by the Mayor and the council. We have sent a letter to which we attached our review of the District's budget for the subcommittee's use.

We believe the budget is a good one, that it is based on realistic revenue and expenditure projections.

The District's financial condition, as has been detailed by my colleagues, has improved greatly over the last few years. Lots of work does remain to be done.

The financial management system needs to be fully implemented with particular emphasis on training and training at the agency level.

Management reforms and improved operations must continue with, we believe, particular emphasis on the procurement process.

The independence of the Chief Financial Officer needs to be assured.

The legislative package passed by the council at its final session we believe to be a good one.

But a law is not enough. The Mayor and the council need to work with the Chief Financial Officer to enable the Chief Financial Officer and the CFO's at the agency level to build a strong, continuing staff of professionals that are respected all over the country. That is what it will take to give this city the financial credibility on the continuing basis that it needs.

The council too, we believe, needs a stronger professional staff, particularly in the area of financial analysis.

Finally, a couple of points. We strongly support the Mayor and the Council in their efforts to regain the city's control over the allocation of our own money.

PREPARED STATEMENT

And we believe that the Congress should come back to the question of the long-run fiscal viability of the District of Columbia. The District of Columbia has a very narrow tax base, we believe too narrow, to support the high quality of services that the Nation's capital ought to have. There is a very strong need to grow the city's tax base by economic development and increased population, but in addition, we believe there is a need for additional Federal support, either through a payment in lieu of taxes or through a tax bill similar to the one proposed by Congresswoman Norton. It does not really matter how this is accomplished, but the city needs to supplement its narrow tax base in order to provide excellent services.

Thank you, Madam Chairman.

[The statement follows:]

PREPARED STATEMENT OF ALICE M. RIVLIN

Good afternoon, Madame Chairman and members of the Subcommittee. I am pleased to be here, today, representing the District of Columbia Financial Responsibility and Management Assistance Authority ("the Authority"), to present testimony on the proposed fiscal year 2002 District of Columbia Budget and Financial Plan. I am particularly pleased to appear on this panel with my able colleagues, the Mayor of the District of Columbia, Anthony Williams, the Chairman of the Council of the District of Columbia, Linda Cropp, and the Chief Financial Officer ("CFO"), Natwar Gandhi, as you assume leadership of the Subcommittee.

On behalf of the Authority, I want to commend the Mayor and the Council, as well as the Chief Financial Officer for an exceptionally cooperative and productive approach to developing the District's proposed budget for fiscal year 2002. We believe the Mayor and the Council have shown an ability to work together on the budget that augurs well for future cooperation in the post-control era.

This is the last time that the Authority will appear before this Subcommittee to discuss the proposed District of Columbia Budget and Financial Plan, because, as you know, the Authority has fulfilled its statutory mission and will sunset at the end of the current fiscal year. Indeed, today we already appear in a transitional role that differs from our role in previous years.

In the past, the Authority was required to approve the District's budget. The approval (and disapproval) power gave the Authority considerable leverage in the formulation of the budget, which it used effectively to broker compromises between the Mayor and the Council, and to ensure that the budget was solidly in the black. Last year at this time, the Authority reported to the Subcommittee that we played a less active role in the formulation of the 2001 budget, because we believed the District increasingly capable of operating without the heavy participation of the Authority. The fiscal year 2001 budget was the product of a consensus process in which the Mayor and the Council played the leading roles and the Authority provided oversight and final approval.

The Authority also approved the proposed fiscal year 2001 Supplemental Budget Request for the District of Columbia recently submitted for your consideration. This supplemental request allocates additional revenues (certified by the Authority) not foreseen in the original budget for fiscal year 2001, and the Subcommittee's support for this request to use these local resources is very much appreciated.

Now we have reached a new stage in the District's return to fiscal autonomy. Public Law 104-8, the Authority Act, provides that the Authority in this last control year simply reviews the District's proposed budget and makes appropriate comments to the District government, the Congress and the President. That process is complete, and the Authority is pleased to have transmitted the findings to the Subcommittee, Madame Chairman, as you begin your consideration of the fiscal year 2002 Budget and Financial Plan (attachment).

Traditionally, the Authority has focused its attention to the budget process on the operations of the entire District government in significant detail. This year, the Au-

thority determined that its most useful role would be to narrow our review to major service and cost areas. This approach permits us to provide the most useful information, and as appropriate, recommendations for policy-makers as management of the District's government operations and fiscal affairs return to local authorities.

Overall, the Budget and Financial Plan reflect realistic expenditure projections. The figures prepared by the District appear to be generally consistent with and supported by available data. The Authority has also identified areas in which the District may have an opportunity to achieve significant savings relative to the current projections.

The District assumes, for example, in developing budgets for large agencies, that the net cost of salary step increases will be offset by salary lapses. Although the offset may occur, it is not always the case. Consequently, we recommend that the District analyze historical data on salary lapses and step increases to determine the appropriateness of this practice. The District is now better equipped to collect and analyze this type of information allowing it to better manage its operations and finances.

Years ago, however, the District and the public lacked access to credible financial information, and by 1995 the government faced a fiscal emergency. The Congress and the President responded by enacting Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995.

Since that time, the District has achieved a remarkable financial turnaround to which a growing economy and the Revitalization Act of 1997 have contributed. Much of this success is owed to the numerous examples of the District's strong effort to manage its fiscal affairs responsibly:

- The level of District total local source tax collections increased by 28 percent
- The District and the Authority successfully developed a program to securitize the proceeds from the tobacco settlement to reduce the District's debt burden
- With the leadership of Senator Hutchison, the District also worked in fiscal year 2001 to use the debt services savings from the tobacco securitization initiative to build a cash reserve position
- Following the completion of the Comprehensive Annual Financial Report ("CAFR") for fiscal year 2001, the Authority certified the District's fourth consecutive balanced budget, and with a significant fund balance the District has recovered from the fiscal year 1996 cash deficit of over \$200 million to dramatically improve its cash position, and reduce dependence upon short term borrowing
- The District convinced the marketplace that it deserves improved ratings for its bonds—an achievement that will tangibly benefit the District's taxpayers in the future because of lower borrowing costs.

In a less visible, but critically important area, financial management, the District has made progress in improving systems and procedures. The unfortunate delay in completing the fiscal year 2000 CAFR, was the result of a very ambitious but necessary implementation schedule for SOAR (the District's financial accounting system) in response to Y2K. There have also been difficulties because of inadequate staff training SOAR is a financial accounting system, not simply a program for issuing financial reports.

The implementation of SOAR is not yet complete, as GAO has pointed out, but there are no magic bullets, just hard work. The District is aware of the challenges. It is implementing business process improvements and better employee training to capitalize on the strengths of the accounting system. Other high priority areas, like performance based budgeting, are important works-in-progress.

Nevertheless, with the exceptions of the former Public Benefit Corporation and the University of the District of Columbia, auditors have issued clean opinions for the District's overall performance in recent years. The District has made progress on cash management, budgeting and treasury functions.

The District has also made progress in managing the delivery of municipal services. For example, tax payers are routinely issued refunds within a matter of weeks; the Department of Consumer and Regulatory Affairs now provides the means for businesses and homeowners to pay for and obtain some permits electronically; and wait-times for obtaining drivers licenses and related permits have been reduced.

The District is strongly committed to management reform. The management supervisory service and the annual "score cards" are helping to change the workplace environment by making service agencies both aware of and accountable to the public interest in improving the quality of service delivery. Elected officials and agency directors now understand and support plans to move agency managers and frontline employees to a culture of goal setting, performance measurement and accountability.



Voters must ensure the District's commitment to this primary goal in the years following the Authority's sunset, but the Authority, the Council and the Mayor are working together to prepare for the resumption of normal governance.

Since January 2, 1999, the District Government assumed operational control of the government functions in a Memorandum of Agreement ("the MOA") with the Authority (the District's Board of Education resumed responsibility for system governance in January, 2001.) So although Fiscal 2001 is the last control year, calendar 2001 will actually be the third year in which the District has been accountable for managing the day-to-day operations of the city. It is extremely important to build on the progress of recent years. The essential challenge is to assure strong financial management for the District as it returns to normal governance.

One of the most significant weaknesses of the local government before 1995 was the lack of information. Information on the government's finances must be credible and available to citizens, decision-makers, financial markets and the Congress. A chief objective for the post control period is ensuring that the District has a financial management structure that provides such information.

Achieving this goal requires a structure that both requires and encourages the OCFO to rely upon capable, professional staff to provide expert projections, judgment, and analysis without political influence or fear of retribution. The District must continue to build such a staff with expertise in accounting, costing, budgeting, expenditure control, finance and related disciplines. It must attract and retain excellent staff, invest in their training and development, and assure them of a professional working environment that encourages initiative and supports a culture of responsibility with clear accountability. The Council also needs strong professional budget and financial staff.

Recognizing that no structure will work well unless the elected leadership of the city works together, and the voters hold the leadership responsible for sound financial management and effective delivery of services, the structure for carrying out the District's financial management functions remains a critically important factor.

The Mayor, the Council and the Authority have discussed this central goal at great length and have developed legislation for strengthening the financial management infrastructure in a manner that will support these shared goals. The principal provisions of the "Independence of the Chief Financial Officer Establishment Act of 2001" are that:

- the District's Mayor appoints the District's CFO to a fixed term with a resolution of the Council (the Mayor may terminate the CFO only for cause and with a two-thirds vote of the Council.)
- the agency CFOs shall be appointed by the District CFO from a list of qualified candidates developed by the District CFO (the agency head shall measure the agency CFO performance relating to agency mission support)
- the OCFO must provide a financial impact statement to measure the impact of District contracts that exceed a certain threshold, legislation and regulations.

Local government enactment of these provisions will help cement the District's steady progress in developing and maintaining the structure, administration and integrity of the financial management infrastructure. Thank you for your interest in these matters, and I would be pleased to respond to any questions.

Senator LANDRIEU. Thank you.

Dr. Gandhi?

#### STATEMENT OF DR. NATWAR M. GANDHI

Dr. GANDHI. Thank you, Madam Chairwoman, Senator Hutchison. I am Natwar M. Gandhi, Chief Financial Officer of the District of Columbia, and I am here to testify about the District's fiscal year 2002 budget.

Before I turn to the fiscal year 2002 budget, let me thank you, Senator Hutchison, the subcommittee, the Senate, and the House and House subcommittee for the positive action on the District's fiscal year 2001 supplemental.

In terms of the fiscal year 2002 budget, the total budget, as amended, is about \$5.3 billion, which represents an increase of about \$439 million, or about 9 percent over fiscal year 2001. The total number of positions in fiscal year 2002 from all funding

sources is about 33,364, which represents a decrease of about 1,000 from 2001.

The budget for the District projects positive net operating margins through fiscal year 2005. The projection appears to show a positive financial picture and is based on a revenue forecast built using realistic economic assumptions generally accepted by the forecasting community and used by the Federal Government.

A closer examination of our 5-year plan, however, suggests that the District is operating on a tighter financial margin. While we believe the costs of maintaining current services can be kept within the amounts projected, it is unlikely the District will operate over the next several years without program initiatives or finding a reason to tap its budget reserves. Should either of these likely events occur, the District would be operating on a very thin margin indeed. This means the District needs to continue to build financial diligence in managing its resources and looking for ways to contain costs, while improving services through new business processes instead of additional spending.

It also suggests that there is a long-term structural imbalance inherent in the city's budget which, if not addressed, may eventually precipitate spending in excess of revenues or serious cuts in the city's services. The sources of this imbalance are well known and documented.

First, the District provides as much as \$227 million in public services to support Federal property, which comprises over 40 percent of the District property by area.

Second, the District spends as much as \$486 million per year on state-like expenditures even after accounting for the net contributions for the 1997 Revitalization Act changes.

Third, the District can tax only 34 percent of the income earned in the city.

And finally, tax exemptions of Federal commercial activity reduce District revenues by as much as \$193 million.

The Federal assumption of certain pension and Medicaid liabilities, courts, and prison functions was an important step in correcting this imbalance, but I believe that even good government and fiscal prudence will not be enough in the event of a serious sustained economic downturn. The long-term solutions to this imbalance are matters to be addressed by District and congressional leaders, and there are several options. Federal tax incentives may be part of the answer. Revising restrictions on the District's local taxing power might be another. Congresswoman Norton sponsored legislation in the 106th Congress to enact a nonresident wage tax with a corresponding Federal tax credit. These funds could be used either to equitably compensate the District for services provided to the Federal Government or to create an infrastructure fund for city improvements. Now is the time, while the District is in good financial condition, to begin working on this issue and to put a permanent solution in place.

Now I will turn to a recommendation for a change in the District's reserve policy. Today the District has \$102 million in its cash reserves, an amount projected to grow to nearly \$260 million by the end of 2003. Now that the District is building cash reserves and will have an accumulated fund balance of over three-quarters of a

billion dollars by fiscal year 2005, we would like to revisit the requirement that the District have an annual budgeted reserve of \$150 million. This is prudent because the growing cash reserves lessen the need for the budgeted reserve, and because removing the budgeted reserve provides the elected leaders with greater flexibility to manage the city.

Existing District requirements, both budgeted and cash reserves, total about 11 percent of local funds. By contrast, median State reserves are only about 3.5 percent of total expenditures and are generally held as fund balances, and a common benchmark reserve rate for cities is about 5 percent of operating expenditures. Our proposal would ultimately set the District's combined cash reserves at over 8 percent.

The proposal for your consideration is to phase out the budgeted reserve beginning with a reduction of fiscal year 2002 and concluding, as already scheduled, in fiscal year 2004. At the same time, we would establish a new \$50 million operating cash reserve in fiscal year 2004. The new cash reserve would be held at the \$50 million level and be replenished as needed. Funds in this new reserve would be available as certified by the Chief Financial Officer.

We believe this new structure would provide the District with much needed financial flexibility for the future, and we urge your consideration of it.

#### PREPARED STATEMENT

Madam Chairwoman, Senator Hutchison, this concludes my prepared remarks. I request that this testimony be made part of the record. I will be pleased to answer any questions you may have. Thank you.

[The statement follows:]

#### PREPARED STATEMENT OF NATWAR M. GANDHI

Good afternoon, Madam Chairwoman, Senator DeWine, Congresswoman Norton and Members of the Subcommittee. I am Natwar M. Gandhi, Chief Financial Officer for the District of Columbia, and I am here to testify about the District's fiscal year 2002 budget. My remarks will briefly touch on the fiscal year 2001 supplemental, the fiscal year 2002 budget request and process improvements in its formulation, planned improvements for the fiscal year 2003 budget cycle, and two proposals that would help improve the District's overall financial picture.

#### OVERVIEW

When I was confirmed as the Chief Financial Officer just over a year ago, I noted three overarching goals that had to be achieved for my office to be successful: (1) obtaining a clean opinion on schedule from the District's independent auditor for fiscal year 2000 and all subsequent years; (2) ensuring a balanced budget; and (3) providing effective, efficient financial systems and business methods to support the decision processes of District policymakers. Since then, we have met the first two goals and made progress on the third, although additional improvements are needed and possible. In addition, we have completed the securitization of the District's tobacco settlement funds and achieved a round of bond upgrades from all three rating agencies.

#### THE DISTRICT'S FISCAL YEAR 2001 BUDGET SUPPLEMENTAL

Before I turn to the fiscal year 2002 budget, let me thank our House subcommittees and the House, and our Senate subcommittees and the Senate, for your positive action on the District's fiscal year 2001 supplemental.

## THE DISTRICT'S FISCAL YEAR 2002 BUDGET

Now I will turn to fiscal year 2002. In total, the District's budget for fiscal year 2002 as amended is \$5.3 billion from all funding sources, which represents an increase of about \$439 million or 9 percent over approved fiscal year 2001 levels, or an increase of about \$283 million or 6 percent over revised fiscal year 2001 levels. The total number of positions in fiscal year 2002 from all funding sources is 33,364, which represents a decrease of 1,016 positions or 3 percent from approved fiscal year 2001 levels.

The budget for the District projects positive net operating margins through fiscal year 2005. This projection appears to show a positive financial picture, and is based on a revenue forecast built using realistic economic and demographic assumptions generally accepted by the forecasting community and used by the federal government. We can safely say these estimates represent a professional consensus view.

But a closer examination suggests the District is operating on a much tighter financial margin. While we believe the costs of maintaining current services can be kept within the amounts projected, it is unlikely the District will operate over the next several years without program initiatives or finding a reason to tap its budget reserves. Should either of these likely events occur, the District would be operating on a very thin positive margin. This means the District needs to continue to build financial diligence in managing its resources and looking for ways to contain costs, while improving services through new business processes instead of additional spending. It also suggests a long-term structural imbalance in the budget that needs to be addressed, as I will discuss later.

## DEVELOPMENT OF THE FISCAL YEAR 2002 BUDGET

The role of the Office of the Chief Financial Officer (OCFO) in the budget process is to provide timely, quality analyses and alternatives built around the policy interests and directions of elected officials. The Office of Budget and Planning (OBP) leads this effort, and was quite successful in assisting both the Mayor and the District Council in the formulation of the fiscal year 2002 budget now before the Subcommittee. This success was the result of many improvements, including the following:

- instituting structured, advance consultation and information-sharing with the Mayor and the Council;
- estimating the effects of key budget drivers, such as salary increases, inflation, and non-recurring items, more precisely;
- eliminating unspecified savings in favor of identified savings in particular agencies that were achievable and were included in those agencies' baseline budgets; and
- costing fully program initiatives and legislative changes.

In addition, and in a larger sense, the Office of Budget and Planning has made great strides in working with the Mayor and the City Administrator to enhance "truth in budgeting," so that the budgets presented to the Council and the Congress are realistic and can be delivered for the District's citizens.

## IMPROVEMENTS FOR THE FISCAL YEAR 2003 BUDGET

We have already begun planning for additional improvements to the budget process for fiscal year 2003. We will devise a plan for Mayoral and Council approval that will implement performance budgeting, while at the same time streamlining the re-programming process. A new account structure will ensure that we capture accounting information at levels necessary to monitor spending effectively and build budgets more accurately. This will provide the kinds of information the recent GAO report on our financial management system noted are not now available.

On April 26, the City Administrator and I signed a memorandum to all agency directors and agency CFOs officially beginning the transition to performance-based budgeting. This multi-year effort will begin in the fiscal year 2003 budget cycle. We believe this new approach, once implemented, will improve policy development, service delivery, and accountability for District programs.

## STRUCTURAL IMBALANCE IN THE DISTRICT BUDGET

I believe there is a structural imbalance inherent in the city's budget, which if not addressed may eventually precipitate spending in excess of revenues or serious cuts in city services. The sources of this imbalance are well known and documented:

- the District provides as much as \$227 million in public services to support federal property, which comprises over 40 percent of District property by area;

- lacking a state or state-like support from the federal government, the District spends as much as \$486 million per year on state-like functions, even after accounting for the net contributions of the 1997 Revitalization Act;
- the District can tax only 34 percent of income earned in the city; and
- tax exemptions of federal commercial activity reduce District revenues by as much as \$193 million.

The federal assumption of certain pension and Medicaid liabilities, courts, and prison functions was an important step in correcting this imbalance, but I believe that even good government and fiscal prudence will not be enough in the event of a serious or sustained economic downturn. The long-term solutions to this imbalance are matters to be addressed by District and congressional policy-makers, and there are several options. Federal tax incentives may be part of the answer. Revising restrictions on the District's local taxing power might be another. Congresswoman Norton sponsored legislation in the 106th Congress to enact a nonresident wage tax with a corresponding federal tax credit. These funds could be used either to equitably compensate the District for services provided to the federal government, or to create an infrastructure fund for city improvements. Now is the time—while the District is in good financial condition—to begin working on this issue and to put a solution in place.

#### CHANGE IN THE DISTRICT'S RESERVE POLICY

Today, the District has \$102 million in its cash reserves, an amount projected to grow to nearly \$260 million by the end of fiscal year 2003. Now that the District is building cash reserves, and will have an accumulated fund balance (representing an accumulated excess of revenues over expenditures) of over  $\frac{3}{4}$  of a billion dollars by fiscal year 2005, we would like to revisit the requirement that the District have an annual budgeted reserve of \$150 million. This is prudent because the growing cash reserves lessen the need for the budgeted reserve, and because removing the budgeted reserve provides the elected leaders with greater flexibility to manage the city.

Existing District reserve requirements—both budgeted and cash—total about 11 percent of local funds. By contrast, median state reserves are only 3.5 percent of total expenditures and are generally held as fund balances, and a common benchmark reserve rate for cities is 5 percent of operating expenditures. Our proposal would ultimately set the District's combined cash reserves at over 8 percent.

The proposal for your consideration is to phase out the budgeted reserve, beginning with a reduction in fiscal year 2002 and concluding (as already scheduled) in fiscal year 2004. At the same time, we would establish a new \$50 million operating cash reserve in fiscal year 2004. The new cash reserve would be held at the \$50 million level, and be replenished as needed. Funds in this new reserve would be available as certified by the CFO.

We believe this new structure would provide the District with much needed financial flexibility for the future, and we urge your consideration of it.

#### CONCLUSION

Madam Chairwoman, this concludes my prepared remarks. I request that this testimony be made part of the record. I will be pleased to answer any questions you or the other Subcommittee Members may have.

Senator LANDRIEU. Thank you very much. All of the statements will be made part of the record, and I really appreciate you all keeping within the time frame.

I would like to start with just a few questions. Senator, I do not know what your time is. I will take about 5 or 6 minutes or so, and then we will do a round of questioning. There may be some things that you all want to add to your prepared testimony.

#### RESERVE FUND

Let me just start with the reserve fund, since there seems to be a real consensus about what we need to do to be clear. I had, of course, supported and been supportive of the creation of the reserve fund under the Senator's leadership. I would like to point out, though, that the cash reserve that is required, although all of you

have testified that you were willing to not only live with it, but embrace it and welcome it, it most certainly is a good thing. I did want to ask or just to get something on the record about the size of it compared to other cities and States in the Nation. I think it is a good thing that we have it. I think it has been one of the things that has helped directly to improve the bond rating.

Both Senator Hutchison and I, as you said, have served as State treasurer, and we have both taken our States from very tough circumstances with falling bond ratings higher and were engaged in this in a very direct way.

But we have got a cash reserve of almost 7 percent or a goal of that, as well as a \$150 million budgetary surplus. There any other cities and States that have similar requirements. We have not been able to find any that have such rigorous requirements. Have we looked in the wrong places, or is that true? So, I just wanted to ask any of you all. Because what we have found is they range anywhere from 3.5 to 5 percent in terms of cash reserves, and most do not have any additional budget reserves.

That is not to say that we do not want to stay the course that we have outlined here and generally pretty much all agreed to. But I was asking, do you all know of any other city or State that has this kind of requirement?

Dr. GANDHI. If I may answer. We have looked at the State budget requirements in terms of the reserves, and there are States like, say, Michigan, which had about 12 percent and then a State like Minnesota had about 14 percent of the reserve requirement. But when you really look into the average, the median there is about 3.5 percent for all States. In some cities, they do not have anything; in some other cities, there are reserves of 6 or 7 percent. But on average it is about 5 percent.

But again, I want to point out that given our past history, I think the emphasis that Senator Hutchison had put on the requirement of a cash reserve is very well taken, very well received in the financial markets. As the Mayor and Mrs. Cropp and Dr. Rivlin pointed out, we welcome that. I think, as we pointed out, we have already accumulated \$102 million. We will have \$260 million-plus in 2003, which as the Senator pointed out herself, is about 4 years ahead of time, and we are very proud of doing that.

But at some point you want to wonder that should we be accumulating cash or should we use our resources wisely to provide services? I think by the year 2004, for example, with our adding another \$50 million, we will have \$317 million all in cash. All in cash. So, I think what this would do, the phasing out of the reserve, is basically harmonize the reserve requirement as it is currently imposed.

Senator LANDRIEU. Well, I just wanted to point that out for the record. Again, I am supportive of this effort, but there is a proper balance and we will work together to make sure that we keep that balance. The Senator has gotten us off, I think, to a very good start. As you all testified, we are 4 years ahead of schedule. We do want to, as a philosophy, not necessarily require any more or expect any less than the averages or hopefully above the averages. I was just wondering, because I know in Louisiana we would be quite envious to have such a cash reserve.

Senator, go ahead.

Senator HUTCHISON. If I could just speak. When we were trying to do something that would be more concrete than the budget reserve, we did call to AAA-rated cities and to bond rating agencies and we found that the norm was 5 to 7. There were different ways. Sometimes it was a strict 4 percent emergency fund and then the contingency was structured a little differently. But when we did this, it was never my intention to also keep the \$150 million budget reserve on top of that. I think that may be unusual. That was never my intention because I wanted to do away with the budget reserve, although your operating cash reserve is a safety net and very prudent. But what I wanted was to have real money in the bank for emergencies so you would never be up a creek without a paddle or you would never be judged by the rating agencies to be in peril.

So, I think your plan of phasing down the budget reserve is fine. My only request would be that you never go below \$150 million in real reserves. So, after you reach the \$150 million, hopefully you will keep moving as you have scheduled for the rest of the real reserves, emergency and contingency. But if you ever fall below it, then I think you would want to be looking at that budget reserve to be there. But I do not think you will, from everything that you are doing, and it was never my intention to put that on top of the 7 percent.

Senator LANDRIEU. Well, that will be very helpful because that will provide us some additional room. We will revisit this issue in terms of the percentages. Dr. Gandhi, perhaps you could outline, based on some of the things that we have said.

Ms. CROPP. Senator, may I just add one other issue that we hope that we could look at in the future? That is the District's lack of ability to roll over additional funds into the next fiscal year. I do not think you have too many businesses or governments that if, in fact, at the end of the fiscal year they have dollars left over that they cannot roll it over. In many instances, actually it encourages individuals possibly not to spend as wisely as they would normally if they could roll it over and know that they could use it for programs or to pay off debt, if that is what the decision is. So, that is something else that is really unique in the District of Columbia and I hope that we can look at that.

Senator LANDRIEU. I thank you for raising that. I have often thought that was even a problem at the Federal level that sends out grant money and requires people to spend it or lose it by *x*. That process really sometimes not only does not encourage but prevents and really encourages unwise spending and quick decisions because of that time limit. So, let us note that, and perhaps at another hearing we can get into more detail about that. I thank you for raising it.

Dr. GANDHI. May I add a point to what Chairman Cropp is saying? Because of that—that is, everything that is left over goes to the bottom line and keeps accumulated—we will have, as I pointed out in the testimony, three-quarters of billion dollars of fund balance, in addition to a 7 percent reserve. So, we simply cannot touch it once it goes to the bottom line and it just stays there. So, that

is why we are really piling up a lot of money, which is simply not touchable. We are kind of a reserve-rich, cash-happy jurisdiction.

Senator LANDRIEU. Well, I really appreciate that. We want to address that because there is a fine balance between being fiscally conservative and smart and then being, on the other side, too stingy because they have got lots of needs in the District in terms of education and transportation and health care. So, it is very important to strike that balance, and I thank you all for wanting to do that. We will revisit.

Let me just recognize that Delegate Eleanor Holmes Norton has just arrived. Congresswoman, where are you? There you are. Thank you very much. Of course, if you have anything to add at a later time, we will be happy to hear from you.

Let me ask another question, and then I will ask Senator Hutchison for her questions.

#### ROLE OF THE CHIEF FINANCIAL OFFICER

One of the important fiscal reforms is this whole issue of the status of the Chief Financial Officer, as we move through this transition. This is a question I would imagine that every city and State has to ask itself. The role of the Chief Financial Officer. I have got the schematic here which is right under the jurisdiction of the Financial Responsibility Management Assistance Authority, which is going out, Dr. Rivlin. And then the Chief Financial Officer. It is on the schematic chart here independent, which I know we want it to remain. But do you all want to comment relative to the way other cities, just for the record, function with these financial officers and what you all think the best model, if you wanted to each do a minute, of how that would work? Because you are either going to have an independent agency that is equally responsive to the executive or legislative branch, but the legislative branch has to sort of have its own resources, the executive branch have its own resources. Then do we then also need the Chief Financial Officer? And if so, those roles and responsibilities. And every jurisdiction struggles with this, whether it is New Orleans or the State of Louisiana. We have gone through round for round, and every good government group has a new idea of how to set it up.

But what I think is important about it is some of the functions, that you have true revenue estimates that are not bogus but real, that you have real fiscal notes attached to what things will cost so you know ahead of time what they will cost. And there are some roles that kind of an independent financial officer that needs to give in addition to what the executive branch has to rely on their own budget information, budget force, and the council.

So, I do not know, Dr. Rivlin, if you wanted to give a minute of opening on this, just to get into the record your particular thoughts. I know some of this is in your testimony. But as we look out to building in the future, I think this cornerstone is a very important cornerstone for the District to put down, the role of this financial officer, sort of the fiscal discipline of this, because everything else will rest on that, whether it is schools or transportation or economic development, et cetera.

Dr. RIVLIN. Different cities do it different ways, and I think you can get a whole list of options. Some have elected comptrollers.



Some separate the budget and the control function. Some have particular ways of doing the revenue estimates.

I think the District has, out of its catastrophe of the mid-1990's, come to what seems to be a very workable solution: a Chief Financial Officer with the responsibility for revenue and for budgeting and for the comptroller and treasurer functions. I guess my view is we have got this working now, and we have an able Chief Financial Officer. The most constructive move I think at the moment is to keep it going.

The legislation, which we all discussed, which has recently been passed by the council, seems to me to preserve the strengths of the existing system while moving the Financial Authority out of the way and having a Chief Financial Officer who must report to the Mayor and work closely with the Mayor and the council—otherwise, nothing good happens—but has a measure of independence in that he or she cannot be removed arbitrarily. It takes a rather elaborate process to remove the Chief Financial Officer. That provides a measure of independence.

As I said in my testimony, it is not the whole thing. Once you get the law in place, it will only work if the Chief Financial Officer is a very able person with a very good staff, and if the Mayor and the council work well with that Chief Financial Officer and respect the importance of good numbers.

Senator LANDRIEU. Mr. Mayor, would you care to add anything or Mrs. Cropp to that?

Ms. CROPP. Let me say yesterday the council passed legislation creating the independent CFO, and in that legislation, we are requesting that Congress repeal its current law so that it can be legislated locally. Actually that law is more enhanced than what had been done initially by Congress. The law that was passed by the council is legislation that was worked on by the Chief Financial Officer, the Financial Authority, the Mayor, and the Council. We all worked together on that legislation, even though the chair of the Finance Committee and I introduced it. It was a consensus piece. And we think it is an excellent piece.

We all started with the premise and understanding that we believe that we needed to continue to have strong financial stability in the District of Columbia, and in order to achieve that, we needed to have a CFO that had some independence. We needed to make sure that we could all believe, trust, and have valid revenue estimates. We also strongly believe that we needed to make sure that the costs, upon which we were basing our budget, ought to be based upon reliable figures. In fact, this legislation does that.

It goes beyond what Federal law had done in that we also have the CFO creating standards and procedures by which what we call the Deputy CFO's in our agencies will operate under. We did not have that in the past, and I think we have had sort of a loose method of doing that recently. But this will make sure that our agencies are not overspending, that the cost analysis that happened there is okay.

It also very clearly puts out that it is the CFO who deals with those financial revenue estimates and gives us the appropriate costs. But we also feel very strongly that it is the Mayor who sets

the policy and the legislative branch who sets the policy, and then the CFO would give us the costs of it.

The independence that Dr. Rivlin talked about is there for the CFO with the Mayor making a recommendation to the council. He can only be removed by a two-thirds majority of the council. So, we think that it is an extremely good piece of legislation. We will submit that to the committee for your records.

We also will submit an attachment of a table that I had that shows the difference in what the congressional act had done and what our legislation does to even strengthen the CFO so that we will have more financial stability in the city.

[The information follows:]

**COMPARISON OF CFO AUTHORITY UNDER HRA § 424  
AND THE PROPOSED BILL**

SUBJECT	HOME RULE ACT	PROPOSED BILL
Establishment of the OCFO	Kept all existing functions	<p>§2(a) - re-establishes the Office of the CFO under local law.</p> <p>§2(b) - Statutorily renames 4 offices that were renamed by the CFO per CFO Orders 97-11, 97-12, 97-13, and 97-14. <i>See</i> 44 DCR 2345. Changes the Office of Budget and Management to the Office of Budget &amp; Planning; changes the Department of Finance and Revenue to the Office of Tax &amp; Revenue; changes the name of the Office of Treasurer to the Office of Finance and Treasury, and combines the Office of the Controller and the Office of Financial Information Services into a single office with the new name of Office of Financial Operations and Systems. 44 DCR 2345.</p> <p>§2(c) - places the personnel and functions of 6 offices under the CFO.</p> <p>§2(d) - Classifies Deputy CFOs contained in §2(c) as at-will persons.</p>
Appointment of Office Heads - Office of the Budget & Dept. of Finance & Revenue	Appointment by the Mayor, with the advice and consent of the Council, subject to approval by the Financial Authority during a control year.	Appointment by the CFO in consultation with the Mayor and Council. §3
Appointment of Office Heads - Office of Financial Information Services & Controller	Appointment by the CFO subject to the approval of the Mayor and the Financial Authority	Appointment by the CFO in consultation with the Mayor and Council. §3
Removal of Office Heads - Office of the Budget & Depart. of Finance and Revenue	Financial Authority could remove for cause during a control year, after consultation with Mayor	Removal by the CFO in consultation with the Mayor and Council. §3

Removal of Office Heads - Office of Financial Information Services & Controller	CFO could remove for cause, after consultation with the Mayor	Removal by the CFO in consultation with the Mayor and Council. §3
Appointment of the CFO	During a control year, appointment by the Mayor, recommendations from the Financial Authority, Council to be notified and consulted of nomination for a 7-day period, subject to approval by majority of Authority.	Appointment by the Mayor with the advice and consent of the Council by resolution. §4(a).
Appointment of CFO	During a noncontrol year, appointment by the Mayor with the advice and consent of the Council, with a 30- day congressional layover & comment period for nomination after Council confirmation.	No distinction between control year and noncontrol year. No provision for congressional layover or comment. §4(a).
Term of CFO Appointment	No term - serve at pleasure	Initial term commencing October 1, 2001 or upon the effective date of this act, whichever is later to end on June 30, 2007, with subsequent 5 year terms beginning July 1, 2007. §4(b).
Holdover Provision for CFO	none provided	Allows CFO to continue to serve beyond term until a successor takes office. §4(b)(3).
Salary of the CFO	Salary not to exceed pay for level IV of the Executive Schedule	Allows the Mayor to set the salary of the CFO, subject to the approval of the Council, and prohibits the Mayor from reducing the salary of the CFO during the term. §4(d).

Removal of the CFO - during a control year.	Financial Authority can remove for cause or the Mayor with the approval of the Financial Authority.	Removal by the Mayor for cause and approval of removal by resolution approved by 2/3rds of Council. §5(a).
Removal of the CFO - during a noncontrol year.	Mayor can remove for cause with approval of dismissal by a 2/3rds vote of the Council, with a 30-day layover & comment period after approval of dismissal by the Council.	No distinction between control year and noncontrol year. Removal by the Mayor for cause and approval of removal by resolution approved by 2/3rds of Council. §5(a)
Legislative Layover Days for Removal Resolution	No time provided.	Council has 14 calendar days to review resolution of removal which is extendable to 30 days if a resolution is introduced by at least 5 members of the Council. If there is no action by the Council, the resolution of removal is deemed disapproved. §5(b).
The definition of cause for removal of the CFO		Mayor proposes rules specifying the causes for removal of the CFO, within 30 days of the effective date of this act, and submits the rules to the Council for a 30 legislative day period of review. If no action by the Council, the definition of cause resolution shall be deemed approved. §5(c).
Functions of the CFO	24 items listed - some tied to control year and noncontrol year.	List of functions has been expanded to 26 with no distinction between control and noncontrol year. The additional duties include the certification of funding for all collective bargaining agreements and nonunion pay proposals prior to submission to the Council; a clarification of the role of the CFO in the preparation of the budget with the Mayor retaining the power with respect to budget policy and the CFO performing the financial statistics for the budget; and the preparation of fiscal impact statements on legislation and contracts..§6(a). Note: paragraphs 5-12 duplicate duties possessed by the Mayor in HRA § 448 and paragraphs 14-16 overlap with duties prescribed for the Mayor in HRA § 449.

Appointment of executive agency CFOs		Appointment by the CFO with the approval of the agency head from a list of persons supplied by the CFO. §7(a)
Removal of agency CFOs		Removal by the CFO, in consultation with the agency head. § 8
Performance Review of Agency CFOs	No provision	Agency head measures performance with respect to fulfillment of agency mission. CFO measures performance re: financial reporting standards. §7(c)
Written Standards for Agency CFOs	No provision	Authorizes the CFO to promulgate regulations containing performance standards. §7(d). Failure to meet standards within 12-months of promulgation is grounds for dismissal. §7(e).
Functions of the Treasurer	Kept the same	no change made §9.
Transition Provisions	None provided. Converted career employees performing accounting, budget and financial management to "at-will" status during a control period.	Allows incumbent CFO to continue to serve until a person is appointed pursuant to this act - October 1, 2001 or the effective date of this act, whichever is later. §10(a). Allows incumbent Assistant or Deputy Chief Financial Officers assigned to executive branch agencies prior to the effective date of this act to continue to serve without reappointments. §10(b). Clarifies the classification status of accounting, budget, and financial management personnel - they have returned to career status since control period has ended. §10(c). Continues to treat employees of the Lottery Board as employees of the CFO and at-will employees for at least one additional year or until a majority of the new members of the Lottery Board have been appointed, whichever is later. §10(d).
Fiscal Impact Statement	Council rules - not in local law.	Codifies in the General Legislative Procedures Act of 1975 a requirement that all permanent bills and resolutions be accompanied by a fiscal impact statement prior to final adoption by the Council. Where a fiscal impact statement reflects unbudgeted costs, the action is subject to appropriations before it can become effective. An exemption is made for emergency declarations, ceremonial, confirmations, and sense of the Council resolutions. §11.

Exemption from the Procurement Practices Act	Only during a control year.	Extends the Office of the CFO's exemption from the PPA for an additional year, requires the CFO to promulgate and publish procurement rules in the D.C. Register, requires the CFO to submit a plan to the Mayor and the Council within 6 months of the effective date of this act outlining the status of the reintegration of procurement functions. § 12.
At-Will Status of employees	During a control period all employees are at-will; during noncontrol period the CFO was allocated 20 Excepted Service positions.	Increases the number of Excepted Service employees under the CFO from 20 to 10% of the employees under the OCFO. § 13.
Application of the Legal Services to attorneys of the CFO.	Applies at the end of a control period.	Exempts attorneys employed by the CFO from the Legal Services Service with no distinction between control year, control period, or any other time frame. § 14.
Applicability clause		With respect to any pre-1980 employees assigned as Deputy Chief Financial Officers, affirmative action by the Congress is required to make them at-will under this act. § 15.
Conditional effective date clause		Makes entire act contingent upon affirmative action by the Congress in repealing HRA § 424, and appropriate repeals to HRA §§ 448 and 449 which are in conflict with section 6 of this act. § 17.

Senator LANDRIEU. So, currently under the proposal—Mr. Mayor, I would like to ask you to comment—the CFO can only be removed by two-thirds vote of the council under this new—

Ms. CROPP. Recommendation by the Mayor.

Senator LANDRIEU. By the Mayor and with two-thirds.

Ms. CROPP. Yes.

Senator LANDRIEU. So, it has to take both.

Ms. CROPP. Yes. A recommendation by the Mayor and then two-thirds of the council.

Senator LANDRIEU. Mr. Mayor, did you want to add anything?

Mayor WILLIAMS. Madam Chair, a couple of things. First of all, the legislation that was passed by the council, underway at the council, really represents the combined thinking of the council, the Mayor, and the board. So, Alice and Linda and I are in joint agreement with Nat on what we need to do with the CFO office going forward. I certainly believe in almost the sanctity of the revenue estimate, on the importance of having the budget function with the CFO function so you are reducing a lot of duplication. I support a very, very strong, vigorous financial and budget function in the council. All of those things are very important.

But when I was in Nat's position, when I was CFO in the middle of the mess back in 1996, whenever it was, my view of the whole situation was that the District got where it was because we had an underpowered, overloaded, badly driven car. Now, through better management and people like John Koskinen, we are driving the car better through the efforts of this council and the control board, certainly with Congresswoman Norton and the Revitalization Act, people like Frank Rains, President Clinton, needless to say, we have reduced this tremendous overloading of the car. So, now we have got a better driven car that is properly loaded.

But what Nat is saying and what Alice is saying is very, very important in their official jobs. Excuse me. In their official jobs, what the chairman and the CFO is saying is very, very important because if we do not do anything to address the long-term structural imbalance, we can have a perfect setup for the CFO, we can have beautiful cash reserves, beautiful this and that kind of reserve, but the long term is a long term. And long-term structural imbalance means that sooner or later, if we do not do something about it, despite all the best intentions and best architecture and design, tragically we could end up right back where we started.

#### LONG-TERM STRUCTURAL REFORM

Senator LANDRIEU. Well, that is a perfect segue into the third question that I wanted to ask, and that has to do with the long-term structural reforms. I would like to ask your comments. I certainly would be willing to either conduct another hearing at an appropriate time where you all could suggest to me—yourselves and other experts on this topic that could come in and we could spend an afternoon kind of reviewing some of this information that I think would be very helpful because, again, every city in the Nation struggles with this. I think the District has an even more intense, more difficult situation which makes it even more important that we address it because the Mayor is absolutely right.



While the situation looks good now, I am mindful what President Kennedy said and we say in Louisiana all the time: The time to fix the roof is when the sun is shining. And the sun is shining now. So, now is the time, not to wait until the storm clouds gather again, to get some of this done. It is difficult because it requires regional cooperation and all sorts of give and take. Back when the model cities program was created many, many, many years ago and all the difficult versions of that recognized that cities everywhere struggle with a shrinking tax base, rising expectations, rising costs, and the long-term future will look dim if it is not addressed.

So, do you all like the idea of another committee time, or would you like to comment for the record now?

Mayor WILLIAMS. I personally think, Madam Chair, it is a level of importance that I would welcome a separate session on the matter of long-term structural balance or viability of the finances of the District.

Ms. CROPP. Madam Chair, if I could just make one comment. I concur with the Mayor, but I must take this opportunity to make one comment. Not unlike any other major city in this country, the District's population is older, sicker, and poorer. One big difference. Usually the surrounding, more affluent suburban jurisdictions help to offset the costs of that urban poor. In the District of Columbia, we are totally different. We have a different State, the Commonwealth of Virginia and the State of Maryland. In fact, the citizens of the District of Columbia help to offset their urban areas because more than 60 percent of the folks who work for the District of Columbia, not the Federal Government, not the private sector, but people who work for the District of Columbia, take the money outside of the District of Columbia to help pay for the urban problems of Maryland and Virginia. It is an untenable position for us to be in, in addition to the fact that 50 percent or more of our tax base we cannot tax in the District for many reasons and we have revenue denied in the District for many reasons.

Congresswoman Eleanor Holmes Norton has introduced legislation, that I hope the committee will look at and can support, that would at least provide us an opportunity to address this issue where we can get some of the money that we send outside of the District back.

But, yes, I concur. We do need to have a separate hearing. It is a very crucial issue that can send us belly up if we do not address it.

Senator LANDRIEU. Go ahead, Dr. Rivlin.

Dr. RIVLIN. I think you have got a consensus here. It would make a subject for a very good hearing and one at which I would be delighted to appear.

But I do think Ms. Cropp has an important point. The District has in common with other cities some serious urban problems, but we are different. There is not any other city that does not have a State and there is not any other city that has the prohibition on the taxation of non-resident income that we have.

Dr. GANDHI. I strongly endorse this idea. The only thing that I would suggest here is that, as was pointed out earlier, that practically every major city generally is subsidized by its own State, in

the case of Philadelphia, Pennsylvania; Baltimore, Maryland. The question is, who is going to subsidize the District? As Mrs. Cropp has pointed out, the subsidy here is in the reverse fashion.

The other thing we want to keep in mind here is that because of the limited tax base that we have, our expenditures are rising faster than our revenues. That is a fundamental fact, and we will not be able to get away from it. The Mayor is exactly right. You can have as much cash reserve as you want to have, and we would always try to maintain our expenditures with lower revenues because we never want to generate a deficit and have a control board again.

The point here is, though, is that a good government? Is that a good government?

Senator LANDRIEU. Thank you. Well, we will work with you all and perhaps use the Congresswoman's bill as a basis for some sort of hearing and hopefully we can do that.

#### EDUCATION IN THE DISTRICT

Let me move to education, if I could, just for a moment. I am particularly interested, Mr. Mayor, from your perspective, and because the Superintendent is here, he may want to address this, and he is welcome to. How is the city positioning itself—maybe the top two or three issues—regarding education reform? I use that term broadly because reform can mean different things to different communities.

But generally, as you know, there is a great move across this Nation, and it expressed itself in congressional action just recently for cities everywhere, led in many cases by the mayors of those cities. Mayor Morial is leading this effort in New Orleans, Mayor Daley in Chicago. You have got former Governor Romer even taking over the L.A. situation in Los Angeles, trying to be part of this effort to try to bring our urban schools that are, in many instances, lacking a lot of the resources—but sometimes it can be often management difficulties—to a level so that every child really gets a quality education in a quality facility in ways that the city and the parents can have some knowledge about the accountability, how well the schools are doing, identifying schools that are not doing well, making the changes necessary, really focusing on the results and performance, believing every child can learn and not just saying it, but actually having it happen.

Teachers all over the Nation are complaining. Obviously, they do not get enough pay. They do not get enough support. They have difficulty with discipline in their classrooms because of maybe local or Federal regulations.

So, with that, would you like to just comment about the one or two things or steps you are taking, particularly on the accountability issue? How are we stepping forward to assure people here in the District? In your budget you start by indicating more support, which is good, a substantial increase in funding. But, as you know, some critics will say you just cannot throw money at a problem. Money without reform can be a waste of time. Reform without resources can be a futile effort. So, you need both the reform and the resources. So, could you comment about that and then maybe the others might want to for the record on education?

Mayor WILLIAMS. Yes, Senator. If I could just answer very, very briefly and introduce Superintendent Vance and let him really answer the substance of the question.

I really consider it my most important role as Mayor. I want to say, incidentally, that I am proud of our city for voting to change our school board, even where we do not have full representation. The vote to actually reduce the number of elected positions took a lot of courage by our citizens because we believe very, very strongly that we need to have a first-rate school board that supports our Superintendent.

I consider it our first order of business. The schools are going to be coming out with a business plan in July. We really consider it our first order of business to work with the schools and support the schools and their facilities plans, support the schools where it comes to, for example, what we are doing with our parks and recreation, with what we are doing with our libraries, with what they are doing with schools.

I will give you another statistic. Support the schools in the following sense. In a normal city, you may have 4 or 5 percent of your youth in mental health. In the District, we have .5 percent of our youth in the mental health system.

Senator LANDRIEU. I am sorry. I did not hear it. How much?

Mayor WILLIAMS. .5 percent are in the mental health system here, whereas it tends to be 4 or 5 percent in a normal city, a normal place.

What that means is this is feeding and driving this huge, exorbitant increase in folks into special ed at very, very high cost for the school system. That is an area where we need to combine. So, I consider it our highest priority to work with the superintendent in the business plan that he is creating to see that he is successful.

Let me cede the rest of my time, to the extent I have it, to him, if I could.

Senator LANDRIEU. Go right ahead.

Mr. VANCE. Thank you, Mayor Williams, and good afternoon, Senator.

Very briefly, the major focus, as you have indicated, has to be on low performing schools. This year we have identified 19 such schools, and 9 of the schools will undergo what we call a complete transformation; that is, the administrative teams and the entire staffs will be replaced. There will be those staff members who are eligible who will be able to reapply for their positions. The principal and the divisional superintendent will be able to select those whom they care to. Those schools will receive a complete overhaul, both with an imposed curriculum and other appropriate activities.

Working with the departments of the city, we are developing plans for what we call wraparound activities, which will provide opportunities for preschool, starting at 6:30 and 7 o'clock in the morning, going through after school activities, 6:30 and 7 o'clock in the evening for the youngsters.

We are establishing these schools with a set curriculum and we are imposing high standards on them over a period of 3 years. We have established marks for each school to achieve during the first, second, and third years.

There are 10 other schools where we have decided that, in spite of considerable support, both monetary and personnel, they have not progressed, but the failure to progress was primarily the fault of the administrative leadership. In 10 of those schools, we are replacing those administrative teams.

We have recruited both internally throughout the metropolitan area and nationally. Thanks to the Lead Principal initiative and the additional funds in the budget, we have been able to create a salary scale, again based on performance, that we feel is competitive, at least with those administrative positions in this metropolitan area.

Here again, we have established standards. All of these schools, of course, will have new models for parent and community involvement, and there will be a movement to improve the physical facilities in those schools.

On the broader range, as the Mayor has indicated, we have had the good fortune for the past 4 months to have, pro bono, four associates from McKenzie and Company working with us in the school system on the creation of what we have decided to call a business plan. That business plan is, in effect, a 3- to 5-year educational reform plan for the school system which will touch every aspect and component of our school system before we are finished, particularly in multi-year budgeting, greatly related to those aspects of student achievement and the complete transformation of our central office and its operations.

Finally, our major input also, as the Mayor has indicated, is in the area of special education. Special education for the District is costly. It is more costly than normally what it is in urban and suburban areas in the school district. We are working with the Federal court system and the appointed court masters to exit from two very costly class action suits that we have been in for the past 6 years: the Pettys and the Blackman-Jones. We are within 8 to 10 months of exiting from Pettys and Blackman.

At the point that we are able to do that, we will be able again to redirect much of the money spent for transportation and placement of those youngsters in private settings in three States outside of the District because we will be able to provide for them within our school district. Those youngsters have a right, as well as any youngsters, to attend schools in their community in programs that are appropriately designed and perfected for them.

If there are other questions, I certainly will be glad to respond to them.

Built into all this, I would just like to say, which closely corresponds with the national thrust in assessments, we have expanded our curriculum. Up to this point, we had what was known as a content standards approach. We will inaugurate this September a pre-K through 12 curriculum which subsumes the content standards, but also expands into enrichment in other activities. That will be highly directive. So, in our assessment of schools in the future, we will not only look at results from the norm of reference, SAT-9 test, but increasingly we will be looking at what we call criterion reference testing and their results, which in effect evaluate and test student progress based on the curriculum which has been designed for the school system.

Senator LANDRIEU. Well, I thank you for that. The reason I ask is it is not just because it is an important issue for education, but given that we have agreed now to have this follow-up meeting about the long-term stability and economic development expanding the tax base of the city, I would submit that having a first-class education system is one of the most important steps to encourage people to stay in this District, have their children educated in the District, to really put forward our best efforts. You all are seemingly moving in the right direction.

But this whole issue, even cities that are not of this mind are going to be of this mind if this Federal legislation passes because I was very vigorous in my support of it. But there are some pretty tough time lines about the kinds of tests that have to be given, about the consequences, about requirements for certified teachers.

Just to give you a reference point, if Kathleen will tell me, in Louisiana what is our—we have 30,000 teachers in Louisiana. We have got a population, just to give you a reference, of 4.5 million people. We have 30,000 teachers that are not certified in the traditional certification.

Under the bill that we just passed, every district in the city, in the State, including the District of Columbia, will have to have teachers fully certified by 2005. I say every district. Actually the compromise was the schools with 50 percent of poverty or greater have to have certified teachers by 2005.

So, this is going to be a tough hurdle for everyone in the Nation, one that we need to try to reach this goal. But it is going to take a lot of effort and a lot of resources and a lot of innovative moving teachers in from non-traditional roles, looking at alternative certifications, because you want to have really qualified teachers in the classroom. Maybe we need to revisit how specifically they are certified. But it is going to be a challenge. But I hope and think that we are all up to it because it is important to make sure that we provide students with regular teachers who are certified, the opportunity to have discipline in those classrooms so learning can actually take place.

Does anybody want to add anything on education? I was going to move to the child welfare.

Mr. VANCE. Just one closing comment on your last comments. I do not want to come across as seeming overly optimistic or disregarding what the national statistics show us on teacher recruitment. But this past year, we have had a very aggressive national recruitment program. We are very pleased with the results of that. As the Mayor mentioned earlier, we also initiated the teaching fellows program this year where we got close to 1,200 applicants. It was a pleasure to narrow that list down to the 137 vacancies which we knew we were going to have.

We worked closely with American and George Washington Universities, and initially they were telling us we just do not think you are going to get candidates for your more eclectic and esoteric areas. Well, we got some of the finest candidates possible in math, science, microbiology, physics, English speaking for other languages, and special education. We have a 2-year program at an institute which will be conducting for these teaching candidates with American and George Washington and our own institute to better

train them in terms of the pedagogy and the methodology of teaching.

We recently, as the papers indicated, released 531 provisional teachers who had up to 3 years, some 4 years to become certified. They had not become certified, and because we were so confident in our recruitment and the quality of the persons we were bringing in the school system, we felt able to release them.

Our goal is by July 17 to have every classroom in our school system filled. In talking with our Director of Human Resources last night, we are currently at the 217 mark, but we had 217 vacancies to fill with over 800 positions and applicants to choose from. So, we are moving right along.

Senator LANDRIEU. That is truly quite encouraging. I can say, as a person who has been actively engaged in this debate here, that those statistics are better than most communities that I have heard about and know about and been privileged really to work with on this issue. That really is extraordinary. But it is a testimony to, if you have the right kind of administration, there are people that not only want to do this work, you have got to pay them a decent wage. But people do not teach for the money. They would be doing something else, but to join with an effort, you will have any number of qualified individuals, and I really commend you for that.

Let me move on to the next question. Really, after this, if there are other things that you want to add—as I said, I was hoping we could finish by 4:00.

#### CHILD WELFARE

On the child reform issue, Mr. Mayor, this has been in the headlines, and in many years, some really tough cases that have come to the public's eye on this child abuse and neglect and the need to really streamline our system and have a better management here. This budget reflects your commitment and the council's commitment in terms of additional resources to that effort.

Mayor, you yourself have been an outstanding role model, as a person who began in foster care and then to come into the wonderful family that you are in now, and have been quite wonderful about sharing your time as a role model for people all over this country in foster care and for policy makers in terms of what is possible.

So, would you just comment for the record about some of the things in this budget that you have put as a priority? I would ask the City Council perhaps to do the same, any comments on the proposal the judges have made. Judge King was here just yesterday giving remarks about their restructuring because it is complicated to streamline. Some of it is under the jurisdiction of the city. Some of it is the courts. It is not just the judges and the magistrates, but the case workers, the whole system.

Can you give us just a brief, maybe 2 or 3 minutes, on how you feel this is working, some of the challenges that are still out there? And is there anything that we can do or that I can do to facilitate this reform and expedite these changes?

Mayor WILLIAMS. Let us see. Two minutes on child welfare.

Senator LANDRIEU. Well, go ahead and take 5.

Mayor WILLIAMS. One thing, Senator, I am very, very proud that we are now in the process and will be shortly completing and will be getting results from a commission that I established on juvenile justice in the city. It is headed up by Judge Gene Hamilton who, you will be pleased to know, was with me at the White House a couple of years ago at that adoption ceremony. Judge Hamilton I think has either fostered or adopted something like what? Fifteen children? Forty? Good Lord, 40-something children. When you talk about role models, he is a tremendous role model.

We put together a first-rate group of citizens with funding from the Casey Foundation to do a study of where we are with juvenile justice with the expectation that they are going to find that we are nowhere near where we need to be, and a body of recommendations of what we need to put in place to set ourselves right both in terms of operations and also in terms of capital dollars because if you go out to Oxon Hill where we have our juvenile justice facilities—and I invite you to go out there with me—it would break your heart. It is a sad situation not because of the lack of effort by our employees, but just another one of these stories of just years and years and years of capital neglect. And now our children are suffering for it.

Another area that I am pleased to say—in all humility, I will put it this way. The illumination I was able to give to the issue as an adopted son myself, we have increased adoptions in this city now over the last year period around 60 percent and are still climbing to greater effort in bringing more families into the realm of adoption by everything, by cooperating with other jurisdictions better, removing regulatory barriers, supporting our court counsel to support this effort better. That is moving along.

Our child receivership has recently come back into the District. Not only has it come into the District—and I want to thank Carolyn Graham, our Deputy Mayor, and Grace Lopes, who is a special counsel to the Mayor for receiverships and other stuff, to have worked to bring this back in—but we have now working with us as the head of our Child and Family Services Agency, Olivia Golden who has a tremendous background in this area. Olivia Golden was head of children and family services for the Children's Defense Fund. She did the same thing with Donna Shalala. Secretary Shalala, at HHS, ended up being Assistant Secretary. She is now bringing that wealth of skill and ability to setting things right and really getting our program for Child and Family Services going in the right way.

Finally, we insisted for a long, long time in open information, freedom of information, when it comes to getting our records out and information out, insisted for a long, long time in coordinating all of the different areas of government, including our Police Department when it involves the investigation of child abuse and neglect. While we have had some challenges there and some problems there, I believe that we are making headway in that effort.

To wrap up, in terms of coordination when it comes to the family court, my philosophy I think is consistent with the philosophy of Congresswoman Norton and the leadership of the city, and that is to create in practice and to create in practical effect for families and children all the benefits of a family court without necessarily

creating legally and every other way with all the associated costs of a family court itself, which means putting the right kinds of resources, to reducing the backlog, making sure that judges who are overseeing these cases have the right kind of expertise and continuity to make sure that cases are not falling through the cracks. Despite some controversy, I believe that that effort is taking shape, and I believe that there are only some small areas of disagreement that remain. I believe that we are going to get to our joint goal both up here in the Congress and down in the District and over in the Superior Court to see that the court is serving our children.

Senator LANDRIEU. Maybe Mrs. Graham would like to come forward and just make a brief statement, if you want to add anything to that because of your good work.

I would welcome any comments in writing about that specific proposal. As you know, there have been several bills filed about the establishment of a court. Senator DeWine and I are right in the middle of those negotiations now with Congresswoman Holmes Norton that is here and Congressman DeLay who is primary sponsor on the House side. So, any comments from the city or the council would be very welcome as to what your views are on the specifics because the devil is in the details here. While we all have this general idea, there are some conflicts about how this is going to be tackled. But it is very important again that we get this piece right.

I do not know if you all are aware, Mayor, and you would be particularly happy to know that the Congress just passed an international treaty on adoption that for the first time establishes in the world, which is not an easy feat for countries of different cultures and different backgrounds to come together on the basic notion that every child deserves a family to call their own, preferably two parents, but at least one caring, loving adult—the children cannot raise themselves—that every child has a right, the treaty says, to remain in the family to which they were born, unless there are extenuating circumstances. In many cases there are terrible circumstances. And in that, the treaty goes on to say, the children will then be placed with the closest kin, responsible relative; if not, in the community then to which they were born; and if not, to find someplace in the world for them to be.

This is an extraordinary treaty, if you think about it, because there are countries that say we do not care if our children grow up on the street. They are not going to go anywhere but here. There are States that say we do not care if children literally die in an institution. We do not believe that. But taking this step of faith and belief that every child deserves a family is no small accomplishment. We just passed that last year. So, literally every city and town and hamlet and village around this world is going to be, hopefully, in the next few years, working on this simple but profound notion.

It is kind of like Habitat for Humanity has this idea. Every family deserves shelter. Every family deserves a home. Well, every child deserves a family, and we have lived for a long, long time in this world without thinking. They can grow up in orphanages. They can live on the street. Well, that is not the way God created this world.



So, I am very excited about this and think it will have long-term, profound effects in many positive ways for our whole community and our Nation.

So, I thank you for the part that you are playing in that here, but to know that every city and community is struggling with this. If you wanted to add anything to that, Mrs. Graham.

Ms. GRAHAM. Thank you so much for this opportunity. At the local level, Senator Landrieu, one of the issues I think for us in this metropolitan area is to work out the kind of arrangements with Maryland and Virginia that will allow ease of access for our children across these borders. I know that in discussions with Mrs. Norton, she certainly supports that, and we are going to be looking at some of the border agreements that are in place in various parts of this country right now that allow for this very thing. We will be working with her staff to design such an agreement that may be addressed in the family court legislation. So, we would ask that you be on the lookout for that when the legislation moves forward, as we move it into final form.

Senator LANDRIEU. Thank you. In conclusion, this area is so important as we get this idea of one judge, one family so that families do not get lost in the system, that children do not get lost in the system, that parents and relatives are not frustrated, that we create a seamless, efficient way to help families deal with some of these very difficult issues. But even though the issues are difficult, there needs to be a definitive resolution not just going on and on and on and on because no one wants to make a decision because these decisions are tough. Well, they are tough, but some tough decisions have to be made in these cases or you have the tragedies that result when the system is not built in a way that can make not quick and not untimely, but timely, deliberative, but tough decisions so that children can be raised in the most nurturing environment possible because, over the long run, it is probably the most significant thing a government can do to ensure its own long-term health, for its children to be nurtured well. And they cannot do that by themselves. That is why we have prisons that are full and budgets that are overrun and a great deal of pain and suffering.

So, while a lot of people do not like to focus on this issue or think it is soft, I think it is a very hard issue. It is a hard-cutting issue, and it needs a lot more attention than it gets in these walls. I hopefully can continue to try to stay focused on this for all of us, and we will help you to do that.

Ms. CROPP. Senator?

Senator LANDRIEU. Yes.

Ms. CROPP. The council yesterday passed a resolution with regard to the family court and we will forward it to your office.

Senator LANDRIEU. Thank you very much.

We are about to wrap up. Does anybody have anything for the record?

Let me just ask the staff if there is anything I need to put in the record.

The record will be open until the 20th, if anybody wants to add anything to this record.

Any closing comments?

CONCLUSION OF HEARINGS

Mr. Mayor, thank you all. It has been a good hearing and the meeting is concluded.

[Whereupon, at 3:58 p.m., Wednesday, July 11, the hearings were concluded, and the subcommittee was recessed, to reconvene subject to the call of the Chair.]

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